Vol. IV

Assembly Proceedings

Official Report

West Bengal Legislative Assembly

Fourth Session

(January, 1949)

The 17th, 18th, 19th, 20th, 21st and 24th January, 1949

Superintendent, Government Printing
West Bengal Government Press, Alipore, West Bengal
1949

GOVERNMENT OF WEST BENGAL.

GOVERNOR

His Excellency Dr. Kailas Nath Katju.

MEMBERS OF THE COUNCIL OF MINISTERS.

The Hon'ble Dr. Bidhan Chandra Roy, Premier, Leader of the House and Minister-in-charge of the Home (excluding the Police) Transport Branches and of the Department of Health and Local Self-Government excluding the Jails Branch.

2. The Hon'ble Sri Nalini Ranjan Sarker, Minister-in-charge of the Departments of Finance, Commerce and Industries (including Cinchona).

3. The Hon'ble Sri Rai Harendra Nath Chaudhury, Minister-in-charge of the Education Department.

4. The Hon'ble Sri Bimal Chandra Sinha, Minister-in-charge of the Department of Works, Buildings and Communications and Land and Land Revenue.

5. The Hon'ble Sri Nihariendu Dutt Mazumdar, Minister-in-charge of the Judicial Department.

6. The Hon'ble Sri Kalipada Mukherjee, Minister-in-charge of the Labour Department.

7. The Hon'ble Sri Bhupati Majumdar, Minister-in-charge of the Department of Irrigation and Waterways.

8. The Hon'ble Sri Prafulla Chandra Sen, Minister-in-charge of the Department of Civil Supplies.

9. The Hon'ble Sri Nikunja Behary Maity, Minister-in-charge of the Department of Co-operation, Credit, Relief and Rehabilitation.

10. The Hon'ble Sri Jadabendra Nath Panja, Minister-in-charge of the Department of Agriculture and Veterinary.

11. The Hon'ble Sri Kiran Sankar Roy, Minister-in-charge of the Home (Police and Jails) Department

12. The Hon'ble Sri Hem Chandra Naskar, Minister-in-charge of the Forest (excluding Cinchona) and Fisheries Department.

WEST BENGAL LEGISLATIVE ASSEMBLY

PRINCIPAL OFFICERS.

SPEAKER.

The Hon'ble Sri ISWAR DAS JALAN.

DEPUTY SPEAKER.

SRI ASHUTOSH MALLICK.

SECRETARY.

Sri AJITA RANJAN MUKHERJEA, M.SC., B.L.

SPECIAL OFFICER.

Sri CHARU CHANDRA CHOWDHURI, B.L., ADVOCATE.

REGISTRAR.

Janab RAFIQUR RAHMAN, M.A., B.L.

ALPHABETICAL LIST OF MEMBERS.

A

Abdul Wahid Sarkar, Janab. [Hooghly.]
Abdullah, Janab S. M. [24-Parganas Municipal.]
Abdur Rahman, Janab A. F M. [24-Parganas North-East.]
Abdur Rahman Siddiqi, Janab. [Muslim Chamber of Commerce.]
Abul Hashem, Janab. [Burdwan.]

B

Badrudduja, Janab Syed. [Jangipur.]
Bandopadhyaya, Sri Pramatha Nath. [Midnapore South-West.]
Banerjee, Sri Sibnath. [Howrah (Registered Factories).]
*Banerjee, Sri Susil Kumar. [Howrah.]
Banerji, Dr. Suresh Chandra. [Calcutta and Suburbs (Registered Factories).]
Barman, The Hon'ble Sri Mohini Mohan. [Jalpaiguri-*cum*-Siliguri.]
Barman, Sri Syama Prasad. [West Dinajpur-*cum*-Malda.]
Basu, Sri Hemanta Kumar. [Calcutta North.]
Basu, Sri Jyoti. [Railway Trade Union.]
Bhandari, Sri Charu Chandra. [24-Parganas North-West.]
Bhattacharyya, Sri Shyamapada. [Murshidabad.]
Bhowmick, Srijukta Bina. [Calcutta General.]
Brahmin, Sri Ratanlal. [Darjeeling Sadar.]

*Parliamentary Secretary.

C

Chakravarty, Sri Satish Chandra. [Northern Districts Municipal.]
Chatterjee, Sri Haripada. [Nadia.]
Chaudhuri, The Hon'ble Sri Rai Harendra Nath. [Bankura East.]
Choudhury, Sri Annada Prosad. [Jhargram-*cum*-Ghatal.]
Clarke, Mr. C. E. [Calcutta Trades Association, Indian Jute Mills Association, Indian Tea Association and Indian Mining Association.]

D

Das, Sri Radha Nath. [Hooghly North-East.]
Das Gupta, Sri Khagendra Nath. [Jalpaiguri-*cum*-Siliguri.]
Dass, Sri Kanai Lal. [Burdwan Central.]
De, Sri Kanai Lal. [Bankura West.]
*Dolui, Sri Harendra Nath. [Jhargram-*cum*-Ghatal.]
Dutt-Mazumdar, The Hon'ble Sri Niharendu. [Barrackpore (Registered Factories).]

G

Ganguli, Sri Bepin Behari. [24-Parganas Municipal.]
Gayen, Sri Arabinda. [Howrah.]
Ghose, Sri A. K. [Bengal National Chamber of Commerce.]
Ghose, Sri Bimal Comar. [Bengal National Chamber of Commerce.]
Ghosh, Dr. P. C. [Birbhum.]
Gomes, Mr. D. [Calcutta-*cum*-Presidency Division.]
Gupta, Sri J. C. [Calcutta Central.]

H

Haldar, Sri Kuber Chand. [Murshidabad.]
Husan Ara Begum, Janab. [Calcutta Muhammadan.]

I

Ilias Ali Mollah, Janab. [24-Parganas Central.]

J

Jalan, The Hon'ble Sri Iswar Das. [Calcutta West.]
Jasimuddin Ahmed, Mr. [24-Parganas South.]

K

Kazim Ali Mirza, Shahibzada Kawan Jah Saiyid. [Murshidabad South-West.]
Khuda Bukhsh, Janab Md. [Berhampore.]

M

Mahammad Sayeed Mia, Janab. [Malda.]
Mahanty, Sri Charu Chandra. [Midnapore Central.]
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur of Burdwan. [Burdwan Landholders.]
Maiti, The Hon'ble Sri Nikunja Behari. [Burdwan Division North Municipal.]

*Parliamentary Secretary.

*Majhi, Sri Nishapati. [Birbhum.]
Majumdar, The Hon'ble Sri Bhupati. [Hooghly-*cum*-Howrah Municipal.]
Mal, Sri Iswar Chandra. [Midnapore South-East.]
Mallick, Sri Ashutosh. [Bankura West.]
Mandal, Sri Annadaprasad. [Burdwan North-West.]
*Mandal, Sri Bankubehari. [Burdwan North-West.]
*Mandal, Sri Krishna Prasad. [Midnapore Central.]
Mohammad Shariff Khan, Janab. [Hooghly-*cum*-Howrah Municipal]
Molla Mohammad Abdul Halim, Janab. [Nadia.]
Mookerjee, The Hon'ble Sri Kalipada. [Calcutta East.]
Mudassir Hossain, Janab. [Birbhum.]
Muhammad Idris, Janab. [Howrah.]
Muhammad Qumruddin, Janab. [Barrackpore Municipal.]
Mohammad Rafique, Shaikh. [Calcutta North.]
Muhammad Siddique, Dr. Syed. [Bankura.]
Mukherji, Sri Dhirendra Narayan. [Hooghly North-East.]
Murarka, Sri Basantlal. [Calcutta Central.]
Musharruff Hossain, Janab. [Jalpaiguri-*cum*-Darjeeling.]

N

Nandy, Maharaja Sris Chandra. [Presidency Landholders.]
Naskar, Sri Ardhendu Sekhar. [24-Parganas North-West.]
Naskar, The Hon'ble Sri Hem Chandra. [24-Parganas South-East.]

P

Panja, The Hon'ble Jadabendra Nath. [Burdwan Central.]
Pentony, Mr. L. R. [Anglo-Indian.]
Platel, Mr. R. E. [Anglo-Indian.]
Poddar, Sri Anandilal. [Marwari Association.]
*Pramanik, Sri Rajani Kanta. [Midnapore East.]

R

Ricketts, Mrs. E. M. [Anglo-Indian.]
Roy, The Hon'ble Dr. Bidhan Chandra. [University.]
Roy, Sri Jajneswar. [Jalpaiguri-*cum*-Siliguri.]
Roy, The Hon'ble Sri Kiran Sankar. [West Dinajpur-*cum*-Malda.]

S

Sarkar, The Hon'ble Sri Nalini Ranjan. [Indian Chamber of Commerce.]
Sen, Sri Debendra Nath. [Colliery (Coal Mines).]
Sen, The Hon'ble Sri Prafulla Chandra. [Hooghly South-West.]
Serajuddin Ahammad, Janab. [Midnapore.]
Shamsul Huq, Janab. [Calcutta South.]
Sinha, The Hon'ble Sri Bimal Chandra. [24-Parganas South-East.]

W

Walker, Mr. J. R. [Bengal Chamber of Commerce.]
Wilks, Mr. G. C. D. [Anglo-Indian.]

Z

Zaman, Janab A. M. A. [Hooghly-*cum*-Serampore (Registered Factories).]

---

*Parliamentary Secretary.

THE WEST BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Official Report of the Fourth Session.

Volume IV.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 17th January, 1949, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 9 Hon'ble Ministers and 57 Members.

Obituary.

The Hon'ble Dr. BIDHAN CHANDRA ROY: May I have your permission, Sir, to refer to two incidents which have affected the country within the last fortnight: one in Bengal and the other in Assam. The hand of death seems to have been very active, and we have lost two valuable colleagues in the Governments of Bengal and Assam. Srijut Mohini Mohan Barman was our colleague for many months. He represented a particular interest in the country and in the Cabinet. A quiet man with unassuming manners, gentle and yet firm if need be, he was so soft-natured that one would have thought that he had no enemies in this world. And, therefore, when I first heard the news of the incident at about quarter past eleven at night I could not believe that the incident was true, but soon after when I reached the hospital at about 12 o'clock in the midnight I found that our friend had been the victim of a most unfortunate accident, shot as he was by his own servant. I asked him, as he was then still conscious, as to why he thought the servant had used firearms against him. He replied that he would give me the whole story after he got better. Unfortunately he did not survive the shock. We are sorry to have lost a valuable colleague and the country a very loyal worker. I pray, Sir, that you will, on behalf of us all, communicate to the members of the bereaved family our sincerest condolence at his untimely death.

The other incident I want to refer to is the loss sustained by the death of His Excellency Sir Akbar Hydari. Although he belonged to the so-called sun-dried bureaucratic group being a member of the Indian Civil Service, I had found, both before the 15th of August, 1947, and afterwards, that he had inherited in a large measure the sweetness of temper of his father, his geniality of position, his urbanity of manners, his sweet nature by which he could captivate the hearts of his friends and oppositionists alike. He was a source of strength to the Government of the Indian Union and when I met him last a few weeks ago it seemed to me that he was the right man in the right place. He had big objectives. He desired to serve the Indian Union in a manner which would have satisfied every one of us, but God willed it otherwise. I pray again, Sir, that you will kindly communicate on behalf of this House our sincerest condolences at his death to his widow and his family.

Janab MUSHARRUFF HOSSAIN: Mr. Speaker, Sir, I rise to associate myself with all that has fallen from the lips of the Hon'ble the Leader of this House. Mr. Mohini Mohan Barman comes from the very

place from where I have come, and I know the quality of his head and heart. He was a sincere and honest man, really unfit for this world. To snatch away such a person from amongst us is a blow not only to me personally and to other people coming from that area, but I know it has caused a big wound in the minds of the people not only of Bengal but of the whole of India. We have really lost a sincere friend by his unfortunate death. Sir, I sincerely associate myself again with all that has been said by my friend, the Leader of the House.

As for the other gentleman who has also gone away from us, he was also a man for whom the whole of India has a sincere feeling. I did not meet him much, but just on a few occasions I met him. I know he was a gentleman who wanted the good of India, and for us to lose him is another misfortune. With these words I associate myself with what the Hon'ble the Leader of the House has said about him.

The Hon'ble Dr. BIDHAN CHANDRA ROY: May I have your permission, Sir, and the permission of the House also to add another name—I mention the death of my old friend Mr. Brelvi who had been a pillar of strength to the nationalist cause. I knew him for the last twenty years as a prominent member of a particular community who did not make any distinction between man and man and who really realised in his life and in his sufferings the cause for which the Congress always stood. I admire him for his frankness, openness and sweet nature and for the service he has rendered to the community and the country at large. I hope, Sir, you will kindly also send to the members of his family our sincerest condolences at his untimely death.

Mr. J. R. WALKER: Mr. Speaker, Sir, on behalf of my colleague and myself, the associations which we represent, I wholeheartedly associate myself with all that the Leader of the House has said about the deceased gentlemen. India has lost loyal servants and true patriots by their deaths.

Mr. C. C. D. WILKS: Mr. Speaker, Sir, on behalf of myself and the other members of the Anglo-Indian Group I associate myself with the feeling references made by the Leader of the House to the late Sri Mohini Mohan Barman, Sir Akbar Hydari and the other gentleman. It is a sad irony of fate that the blow to Sri Mohini Mohan Barman came from one who was reared up by the late Sri Barman with the fond care and affection of a father from his very boyhood. Sri Barman joined the Ministry on the advent of freedom and took a very keen interest in the efficient discharge of the duties entrusted to him. The House has lost in him an earnest and dependable member and the country a very earnest worker. His amiable temperament and straightforwardness endeared him to all who came in contact with him. A life-long sufferer to the country's cause and a devout Congress worker, the country will feel his want for long. On behalf of my colleagues and myself I convey my heartfelt condolence to the bereaved families.

Mr. SPEAKER: Ladies and gentlemen, I wholeheartedly associate myself with what has been said about the Hon'ble Mr. Mohini Mohan Barman, Sir Akbar Hydari and Mr. Brelvi by the Hon'ble Premier and by the other members of this House. It is really a tragedy that a man of the amiability and sweetness of temperament like that of the Hon'ble Mr. Mohini Mohan Barman should meet with such a tragic death. I was out of Calcutta when I heard the news and it was a very unbelievable news that a man like him should meet with such fate, but that has happened and we are to console ourselves with the situation as it is.

With regard to Sir Akbar Hydari, I associate myself with the sentiments expressed by the House. I had occasion to meet him about six months back at Shillong. I found him a very, very amiable and cordial

gentleman. In spite of the change in the country's position from dependence to independence, he, being a member of the bureaucracy, identified himself with the interests of the country in the changed circumstances and was deemed fit to continue as the head of the province which is a very important province under the present circumstances.

I also associate myself with the sentiments expressed about Mr. Brelvi. He was a fighter in the national cause throughout his life and the country is poorer by his death.

I believe, ladies and gentlemen, that it is your desire that I should convey the condolences of this House to the members of the bereaved families and I request you to signify your assent by standing for a minute.

(Members then rose in their seats.)

Thank you, ladies and gentlemen, please take your seats.

Secretary will act accordingly.

According to the convention of our House, I believe it is the desire of the House that in memory of the Hon'ble Sri Mohini Mohan Barman, who was a sitting member of the House, this House will stand adjourned till tomorrow, 4 p.m.

Adjournment.

The House was accordingly adjourned at 4-16 p.m. till 4 p.m. on Tuesday, the 18th January, 1949, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 18th January, 1949, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 9 Hon'ble Ministers and 57 Members.

Panel of Chairmen.

Mr. SPEAKER: In accordance with the provisions of rule 6 of the West Bengal Legislative Assembly Procedure Rules, I nominate the following members of the Assembly to form a panel of four Chairmen for the ensuing session:—

(1) Sri J. C. Gupta,

(2) Janab A. F. M. Abdur Rahman,

(3) Sri Radha Nath Das, and

(4) Mrs. E. M. Ricketts.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Assembly in my absence and in the absence of the Deputy Speaker.

STARRED QUESTIONS

(to which oral answers were given)

Protection of Cattle.

*1. **Sri PRAMATHA NATH BANDOPADHAYA:** (*a*) Is the Hon'ble Minister in charge of the Agriculture (Veterinary) Department aware that a large number of serviceable cattle is slaughtered for food purposes every year?

(*b*) If so, is the Hon'ble Minister considering the desirability of taking steps for protection of cattle by means of legislation?

MINISTER in charge of the DEPARTMENT of AGRICULTURE and VETERINARY (the Hon'ble Sri Jadabendra Nath Panja): (*a*) Yes. A fairly large number of up-country milch cattle brought to Calcutta is slaughtered for consumption when they go dry. The slaughter of useful cattle in other parts of the Province is small.

(*b*) There is at present no restriction against the slaughter of serviceable cattle for food purposes in this Province. Some time back the Government of India set up a committee of officials and non-officials to examine the question of preservation of cattle resources of the country. The committee is reported to have completed its deliberations; and its report, which will be received through the Government of India, is awaited.

Sri PRAMATHA NATH BANDOPADHAYA: মাননীয় মন্ত্রীমহাশয় বলবেন কি—এখানকার ইংরেজ সৈন্যরা চলে যাবার পর কলকাতাতে ওদের খাবার জন্য যে গো-হত্যা হ'ত—সেটা কত পরিমাণ কমেছে?

The Hon'ble Sri JADABENDRA NATH PANJA: তার হিসেব কিছু আমাদের নাই। তবে এসম্বন্ধে Government of India'র কাছ থেকে রিপোর্ট পেলে পরে যে বিহিত দিতে হয় দেব।

Sri PRAMATHA NATH BANDOPADHAYA: মাননীয় মন্ত্রীমহাশয় কি বলে করেন যে আমাদের বাংলাদেশে এই যে সমস্ত Cattle হত্যা সেটা নিবারণের জন্য অবিলম্বে একটা আইন প্রণয়ন করা উচিৎ?

The Hon'ble Sri JADABENDRA NATH PANJA: পূর্বেই বলেছি—Government of India'র কাছ থেকে রিপোর্ট পেলে পরে আমরা একটা আইন নিয়ে আসবো।

Sri PRAMATHA NATH BANDOPADHAYA: Government of India যদি রিপোর্ট দিতে দেরী হয়, তাহ'লে তার জন্য কি আমরা অপেক্ষা করবো, না, আমরা সে সম্বন্ধে কাজ আরম্ভ করবো?

The Hon'ble Sri JADABENDRA NATH PANJA: দেরী বেশী হবে বলে মনে করি না।

Sri CHARU CHANDRA BHANDARI: মাননীয় মন্ত্রীমহাশয় বলবেন কি Government of India যদি উল্টো রিপোর্ট দেয় যে গোহত্যা বন্ধ করা ঠিক হবে না, তা সত্ত্বেও এই গভর্ণমেণ্ট যে সমস্ত গরু দেশের পক্ষে একান্ত প্রয়োজনীয় সেগুলির হত্যা নিবারণের জন্য কোন আইন করবেন কি?

Mr. SPEAKER: That is a hypothetical question.

Sri KANAI LAL DE: মাননীয় মন্ত্রীমহাশয় জানাবেন কি—প্রতিবৎসর কত গরু হত্যা করা হয়?

The Hon'ble Sri JADABENDRA NATH PANJA: I want notice.

Street bulls of Calcutta.

*2. **Sri PRAMATHA NATH BANDOPADHAYA:** (*a*) Is the Hon'ble Minister in charge of the Agriculture (Veterinary) Department aware that many serviceable bulls are found roaming about the streets of Calcutta?

(*b*) If so, is the Hon'ble Minister considering the desirability of utilising them in mufassil areas where they are too few in number?

The Hon'ble Sri JADABENDRA NATH PANJA: (*a*) Some serviceable bulls are found roaming about the streets of Calcutta. But these cannot be removed from the city without wounding the religious feelings of the Marwari, the Hindu and the Muslim communities, which may ultimately lead to some trouble. Government had to experience considerable difficulty during the last war when some 400 roaming bulls of Calcutta had to be removed from the streets to the Pinjrapoles.

(*b*) Does not arise.

Sri PRAMATHA NATH BANDOPADHAYA: মাননীয় মন্ত্রীমহাশয় বলবেন কি—বাংলাদেশের প্রত্যেক মহকুমাতে Stud-bulls কি পরিমাণ আছে? তার দ্বারা আমাদের প্রয়োজন মহকুমায় হতে পারে কি?

The Hon'ble Sri JADABENDRA NATH PANJA: I want notice.

Sri KANAI LAL DE: মাননীয় মন্ত্রীমহাশয় জানাবেন কি এখন বাংলাদেশে পল্লীগ্রামে Stud-bulls বিতরণের কোন ব্যবস্থা Agricultural Department-এ আছে কিনা?

The Hon'ble Sri JADABENDRA NATH PANJA: তার ব্যবস্থা আছে। গভর্ণমেণ্ট Bull কিনে প্রত্যেক জেলাতে কিছু কিছু supply করেন।

Sri KANAI LAL DE: মাননীয় মন্ত্রীমহাশয় জানেন কি যে একমাত্র জেলা কৃষি অফিস ছাড়া আর কোন জায়গায় সম্প্রতি Stud-bull নেই?

The Hon'ble Sri JADABENDRA NATH PANJA: প্রত্যেক জেলাতে কিছু কিছু Stud-bull দেওয়া আছে।

Sri KANAI LAL DE: মাননীয় মন্ত্রীমহাশয় জানেন কি যে সমস্ত bull দেওয়া হয়েছিল—তা মরে গিয়েছে বহু দিন?

The Hon'ble Sri JADABENDRA NATH PANJA: না, আমার জানা নাই।

Sri PRAMATHA NATH BANDOPADHAYA: মন্ত্রীমহাশয় বলেছেন মাড়োয়ারী অসন্তুষ্ট হতে পারে—তারা আপত্তি করতে পারে; কিন্তু তিনি জানেন কি যে কলকাতায় এমন বহু মাড়োয়ারী আছেন, যারা এই সমস্ত bull রাখা আদৌ পছন্দ করেন না?

The Hon'ble Sri JADABENDRA NATH PANJA: It is a matter o opinion, তবে অধিকাংশ মাড়োয়ারী যে আপত্তি করবে এইটে আমার ধারণা।

Sri PRAMATHA NATH BANDOPADHAYA: যে সমস্ত Bull রাস্তায় ঘুরে বেড়ায় তাদের পেছনের পায়ে Injection দিয়ে পা দুটোকে অকেজো করে দেওয়া হয়—তা মন্ত্রীমহাশয়ের জানা আছে কি?

The Hon'ble Sri JADABENDRA NATH PANJA: না।

Sri CHARU CHANDRA BHANDARI: Stud-bull বিতরণ করা যখন সম্ভব হচ্ছে না, সেইজন্য আজকাল যে একটা process বেরিয়েছে—Artificial insemination, সেটার ব্যবস্থা মন্ত্রীমহাশয় করতে পারেন কি?

The Hon'ble Sri JADABENDRA NATH PANJA: কিছু কিছু সে কাজও চলছে।

Sri CHARU CHANDRA BHANDARI: সেটা আরও ব্যাপকভাবে করাবার ব্যবস্থা করবেন কি?

The Hon'ble Sri JADABENDRA NATH PANJA: আমি ত পূর্বেই বলেছি—কিছু কিছু কাজ চলেছে। এর বেশী আর এখন বলার কিছু নাই।

Sri JYOTI BASU: With regard to answer (*a*), will the Hon'ble Minister be pleased to state what was exactly the difficulty met by the Government during the war when some 400 roaming bulls had to be removed from the streets to the Pinjrapoles?

The Hon'ble Sri JADABENDRA NATH PANJA: তারা remove করতে বাধা দেওয়ায় শেষ পর্য্যন্ত Police force use করতে হয়েছিল।

Sri JYOTI BASU: Has the Hon'ble Minister approached the religious heads of the Marwari, Hindu, and Muslim communities in order to find out whether they will really object to the removal of these bulls?

The Hon'ble Sri JADABENDRA NATH PANJA: No.

Sri JYOTI BASU: Since the answer is "No," will the Hon'ble Minister be pleased to approach the heads of these religious communities in order to remove the bulls from the streets of Calcutta?

The Hon'ble Sri JADABENDRA NATH PANJA: I shall consider the matter.

Nayansukh Afsar Ali Fishermen Co-operative Society.

***3. Sri Kuberchand Halder:** (*a*) Will the Hon'ble Minister in charge of the Fisheries Department be pleased to state whether it is a fact—

(*i*) that the fishermen of Nayansukh Afsar Ali Fishermen Co-operative Society are not getting yarn, coal tar and পালের কাপড়; and

(*ii*) that the fishermen of that society have sent a petition to him for it?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps he has taken in the matter?

MINISTER in charge of the FOREST and FISHERIES DEPARTMENT (the Hon'ble Sri Hem Chandra Naskar): (*a*)(*i*) সমিতির নিকট হইতে একটি সংবাদ পাওয়া গিয়াছিল।

(*ii*) হাঁ।

(*b*) এই সমিতিকে এযাবৎ দুই পাঁইট বিভিন্ন কাউন্টের সুতা, ৮০খানি মাছের পোনা ধরার জাল এবং ২০খানি হাপা বিলি করা হইয়াছে। ইহা ছাড়া স্থানীয় কর্ম্মচারীদিগকে এই সমিতিকে যথাসম্ভব সাহায্য করিতে নির্দ্দেশ দেওয়া হইয়াছে।

Sri SHYAMAPADA BHATTACHARYYA: মাননীয় মন্ত্রীমহাশয় বলবেন কি—এই সুতা দেওয়ার পূর্বে কার কতখানি সুতার প্রয়োজন—তার কিছু অনুসন্ধান করা হয়েছে কি?

The Hon'ble Sri HEM CHANDRA NASKAR: এই সুতা তখন decontrolled হয়ে গিয়েছিল। আমরা একটা quota Civil Supplyএর কাছ থেকে পেয়েছিলাম। আমরা সেই quota বিভিন্ন সাব ডিভিসনে যেরকম পেয়েছি সেই রকম ভাবে সেটা বিলি করে দিয়েছি।

Sri SHYAMAPADA BHATTACHARYYA: তাদের কোন আলকাতরা দেওয়া হয়েছে কি?

The Hon'ble Sri HEM CHANDRA NASKAR: এটা decontrolled জিনিষ। আমরা কিনে সেটা সস্তায় হয়ত কিছু দিতে পারতুম। কিন্তু গাড়ীর অসুবিধার জন্য পাঠান যায় নি।

Nominated buyers for procurement of cloth from outside West Bengal.

***4. Sri BIMAL COMAR GHOSE:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) whether handling agents have been appointed by Government for procurement of cloth from producing centres outside West Bengal since 1948;

(*b*) if so, the names and previous experience, if any, of them;

(*c*) whether Government had issued a recommendation letter in favour of a wholesale dealer to the Textile Commissioner, Bombay, for granting him a Movement Permit to move 1,500 bales of cloth from Bombay to Calcutta;

(*d*) if so—

(*i*) his name, and

(*ii*) the reason for issuing such a letter;

(*e*) whether handling agents appointed by Government for procurement of cloth from outside the Province have been selling cloth at a rate much higher than what has been prescribed by Government;

(*f*) the meaning of "*ad hoc* prices" as mentioned in sub-clause (*c*) of the order No. Tex/1120, dated the 20th August, 1948, issued by the Director of Textiles, West Bengal; and

(*g*) whether he is aware that it has not been possible for wholesalers to determine the *ad hoc* prices of different varieties of cloth lying with them?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Sri Prafulla Chandra Sen): (*a*) Yes (but they are called nominated buyers and not handling agents).

Since the reimposition of Textile Control five nominated buyers have been functioning.

(*b*) Name.	Previous experience.
(1) *Messrs. G. D. Banerjee & Co.* ...	*Had worked as authorised dealers for* procurement of cloth stocks in 1945.
(2) Messrs. Janak, Ltd.	Owners of a cotton mill in Viramgan, Ahmedabad area, with established trade connection in Bombay and Ahmedabad.
(3) Messrs. Mohadeo Ramkumar ...	Long experience in the cloth trade with established business connections at Bombay and Ahmedabad.
(4) Messrs. Ramkumar Shewchandrai.	Owners of a group of mills in Bombay area and have long experience in the cloth trade with established trade connection at Bombay.
(5) Messrs. B. C. Nawn & Bros. ...	Over 70 years' experience in the cloth trade. Had been one of the Authorised Dealers for procurement of cloth in 1945.

(*c*) Yes.

(*d*) (*i*) Messrs. Ramkumar Shewchandrai.

(*ii*) The firm had agreed to sell cloth at a moderate margin of profit at the time when black-marketing and profiteering in cloth were rampant in the Province.

(*e*) No.

(*f*) By "*ad hoc* prices" are meant the prices fixed by the Textile Commissioner in his circular No. TCSI/CYC-CP, dated the 3rd August, 1948. (The date of the Director of Textiles' order is 25th August and not 20th August, 1948.)

(*g*) No, except in one case where a wholesaler made a specific enquiry about *ad hoc* prices of different varieties of cloth lying with him.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state the important principles which underlay the appointment of these nominated agents, particularly in fixing their number at five?

The Hon'ble Sri PRAFULLA CHANDRA SEN: When these nominated agents were appointed there was de-control of cloth and from the 12th of April all imports of cloth from the producing centres to West Bengal were stopped by the orders of the Government of India. In June we appointed these five dealers. Subsequently control was imposed and now we have a larger number of nominated buyers, I think it is some 26.

Sri BIMAL COMAR GHOSE: My question has not been answered. I asked the principles which underlie the appointment of these nominated agents and of restricting the number to five.

The Hon'ble Sri PRAFULLA CHANDRA SEN: At that time when there was de-control we were allowed to import only 2,000 bales of cloth from Bombay and Ahmedabad and we thought it sufficient to appoint only five.

Janab MD. KHUDA BUKHSH: The Hon'ble Minister just now stated that the number has since increased to 26. Will he be pleased to give us the names of the newly nominated buying agents?

The Hon'ble Sri PRAFULLA CHANDRA SEN: *At the present moment* 26 persons are acting as nominated *buyers*, viz.—

(1) Dorina.
(2) Inter-Provincial Textiles.
(3) National Textiles.
(4) P. Ghosh (India), Ltd.
(5) Nilambar Keshab Lal Rasik Lal Bishayee.
(6) Janak, Limited.
(7) G. D. Banerjee & Co.
(8) Hooghly Trust, Ltd.
(9) Fakirchand Nundy Jitendra Nath Nundy.
(10) Nepal Chandra Dutta.
(11) Mahadeo Sinha Roy & Co.
(12) West Bengal Provincial Co-operative and Industrial Society, Ltd.
(13) B. N. Biswas & Co.
(14) Ganeshdas Baijnath.
(15) Kolyan Syndicate.
(16) Mahadeo Ramkumar.
(17) Deviprosad Anand Kumar.
(18) Giridharilal Ramnarain.
(19) Ramkumar Shewchandray.
(20) B. C. Nawn & Bros., Ltd.
(21) Associated Agency.
(22) S. Kumar & Co.
(23) Textiles Agency.
(24) G. Khan & Co.
(25) Atta Textiles.
(26) B. Murarka.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state, with reference to the answer given a moment ago, if these nominated agents brought only 2,000 bales of cloth from Bombay?

The Hon'ble Sri PRAFULLA CHANDRA SEN: Yes, up to the date when control was reimposed they were allowed to bring only 2,000 bales of cloth from Bombay and Ahmedabad.

Sri BIMAL COMAR GHOSE: With reference to answer (*d*)(*ii*) will the Hon'ble Minister be pleased to state if the same offer at which this firm had agreed to sell cloth was made to other firms.

The Hon'ble Sri PRAFULLA CHANDRA SEN: Applications were invited and so far as I remember we received some 500 applications. A Committee was formed to select the agents from among the applicants and the Selection Committee selected this firm.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if he is aware that the licence of this particular firm was cancelled in Bombay for anti-social activities?

The Hon'ble Sri PRAFULLA CHANDRA SEN: I am not aware of it.

Janab MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state if it is his intention to increase the number of these nominated buyers?

The Hon'ble Sri PRAFULLA CHANDRA SEN: At the present moment I have no intention to increase the number.

SHAIK MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if, in view of the fact that there is a very inadequate number of the minority community represented in this list, he will consider the desirability of adding to the existing number of the minority community in the list?

The Hon'ble Sri PRAFULLA CHANDRA SEN: I do not think there is any question of any community here.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state, with regard to the other agents who have just been named by him, besides these five, whether they have all had previous experience to deal in cloth?

The Hon'ble Sri PRAFULLA CHANDRA SEN: Most of them have had.

Sri JYOTI BASU: Particularly with regard to two which I remember, viz., Nepal Dutta and Hooghly Trust, may I know from the Hon ble Minister whether they had experience of dealing in cloth?

The Hon'ble Sri PRAFULLA CHANDRA SEN: I want notice.

Sri JYOTI BASU: Is the Hon'ble Minister aware that Nepal Dutta has been connected with a bank which has gone into liquidation?

The Hon'ble Sri PRAFULLA CHANDRA SEN: I am not aware of it.

Sri PRAMATHA NATH BANDOPADHAYA: মাননীয় মন্ত্রীমহাশয় বলবেন কি—বর্ত্তমানে যে সমস্ত কাপড় দোকানে পাওয়া যাচ্ছে না, সেই সমস্ত কাপড় রাস্তাঘাটে, ফুটপাতে অনেক বেশী দামে পাওয়া যাচ্ছে—সেদিকে কি গভর্ণমেণ্টের নজর পড়েছে?

The Hon'ble Sri PRAFULLA CHANDRA SEN: রাস্তাঘাটে, ফুটপাতে কিছু কাপড় পাওয়া যাবে, তার কারণ আমাদের দেশে যে সমস্ত Power-loom আছে তার কাপড় এখনও control হয়নি।

Janab ABDUR RAHMAN SIDDIQI: Will the Hon'ble Minister kindly tell us if this G. Khan & Co. is a Christian firm?

The Hon'ble Sri PRAFULLA CHANDRA SEN: So far as I know they are neither Christian nor Muslim. Although it looks like that G. Khan is a Hindu firm.

Janab MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state if no applications were received from any other community than Hindus?

The Hon'ble Sri PRAFULLA CHANDRA SEN: I cannot say whether any other community applied; I will have to look up the papers.

Janab ABDUR RAHMAN SIDDIQI: Will he inform the House tomorrow or the day after making enquiry whether any application has been received from merchants belonging to any groups other than those contained in the list?

The Hon'ble Sri PRAFULLA CHANDRA SEN: I want notice.

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if the selection has been made on the basis of experience or influence or——

The Hon'ble Dr. BIDHAN CHANDRA ROY: Trustworthiness?

The Hon'ble Sri PRAFULLA CHANDRA SEN: Trustworthiness.

Sri JYOTI BASU: Will the Hon'ble Minister be pleased to state the names of the persons who were appointed to this Committee which selected these firms?

The Hon'ble Sri PRAFULLA CHANDRA SEN: A Cabinet Sub-Committee was appointed.

Sri JYOTI BASU: I ask for the names.

The Hon'ble Sri PRAFULLA CHANDRA SEN: I cannot disclose the names.

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state whether the applications of these firms were appended by any recommendation from any influential Congressmen?

The Hon'ble Sri PRAFULLA CHANDRA SEN: No, there was no recommendation.

Janab ABDUR RAHMAN SIDDIQI: Is there any rule for keeping the names of the Cabinet Sub-Committee secret?

The Hon'ble Sri PRAFULLA CHANDRA SEN: As this is a Cabinet Sub-Committee, I cannot disclose the names.

Sri PRAMATHA NATH BANDOPADHAYA: মাননীয় মন্ত্রী মহাশয় ব্যবস্থা করবেন কি যাতে mill made cloth রাস্তাঘাট ছাড়াও দোকানে কিনতে পাওয়া যায়।

Mr. SPEAKER: This question has got nothing to do with the present question.

Allotment of steel.

***5. Sri BIMAL COMAR GHOSE:** Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the amount of steel allotted between January and August, 1948, directly to associations of manufacturers, stating the names of such associations and the number of their members;

(*b*) the opening balance of steel on January 1, 1948;

(*c*) the total allotment of steel received by Government between January and August, 1948; and

(*d*) whether he considers it desirable to transfer to the Industries Department the distribution of steel and other industrial raw materials to industrial users only?

The Hon'ble Sri PRAFULLA CHANDRA SEN: (*a*) A statement is laid on the Table.

(*b*) 6,000 tons in Calcutta. District figures are not readily available.

(*c*) 18,245 tons. The figures taken on the basis of allotment (up to period III and 1948) do not show actual receipt.

(*d*) No. In the interest of economy as well as efficiency the administration of all controls should be concentrated as far as possible in a single Government Department.

In practice we generally act on the recommendations of the Director of Industries in all cases relating to industries.

Statement referred to in clause (a) of starred question No. 5.

Names of associations.	Quantity allotted.	According to old list numbering of their members.
	Tons.	
1. Bucket Manufacturers ..	1,838	155
2. Calcutta Ridging Manufacturers ..	60	8
3. Howrah Steel Trunk Manufacturers	100	38
4. Steel and Tin Trunk Manufacturers	20	62
5. Indian Tin, Can and Sheet Containers' Association.	15	39
6. Bolts and Nuts Producers' Association	200	25
7. Bengal Sheet Metal Manufacturers' Association.	72	14
8. Bengal Oil Mills' Association ..	15	34
9. Howrah Steel Industries' Association	120	50
	2,440	

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state again the main principles which underlay the distribution of steel to manufacturers' associations?

The Hon'ble Sri PRAFULLA CHANDRA SEN: In West Bengal we have as many as 3,400 and odd small manufacturers. Of them the most important are the bucket manufacturers who number about 300. So they have been given a larger quota than other small fabricators. Then come other industries as recommended by the Director of Industries.

Sri BIMAL COMAR GHOSE: Would it be correct for me to presume from the answer just given by the Hon'ble Minister that the distribution has been on the basis of numbers that each association possesses?

The Hon'ble Sri PRAFULLA CHANDRA SEN: No, not exactly.

Sri BIMAL COMAR GHOSE: That is why I enquired of the Hon'ble Minister as to the main principle which underlay the distribution of steel to those associations?

The Hon'ble Sri PRAFULLA CHANDRA SEN: The only principle is the distribution in accordance with the importance of the industries concerned?

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state the nature or the character of the importance of the first group of associations for giving them such a disproportionately large amount of steel?

The Hon'ble Sri PRAFULLA CHANDRA SEN: Because, as I have informed the honourable member, the Bucket Manufacturers' Association caters for other provinces also, namely, Assam, Orissa, Bihar, United Provinces and other places.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if he is aware that such associations as Steel and Tin Trunk Manufacturers' Association and the Bolts and Nuts Producers' Association also possess the same importance and qualification?

The Hon'ble Sri PRAFULLA CHANDRA SEN: No, I do not think so.

Sri BIMAL COMAR GHOSE: With reference to answer (*g*), will the Hon'ble Minister be pleased to state whether it will not be advisable, as suggested in the question, to hand over the distribution of steel for industrial purposes to the Industries Department inasmuch as the Civil Supplies Department, as it would appear, has to depend on the Industries Department for all information for such distribution and thereby involves duplication of work?

The Hon'ble Sri PRAFULLA CHANDRA SEN: The answer to this question has been given in (*d*), namely, in the interest of economy as well as efficiency the administration of all controls should be concentrated as far as possible in a single Government department.

Sri BIMAL COMAR GHOSE: In view of this answer, will the Hon'ble Minister be pleased to consider as to whether the question of distribution of these items like steel and other things for industrial purposes could not be concentrated in one department, namely, the Industries Department?

The Hon'ble Sri PRAFULLA CHANDRA SEN: No, I do not think so.

Sri BIMAL COMAR GHOSE: Will the Hon ble Minister be pleased to state if he is aware that the industries concerned have experienced great difficulty in the matter of obtaining such items because of the fact that distribution has been entrusted to a department which has no requisite information for such distribution?

The Hon'ble Sri PRAFULLA CHANDRA SEN: They find no difficulty.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to take it from one who has experience of the working of some of the industries that that difficulty has arisen and I should also enquire of the Hon'ble Minister if he is aware that the department has not as yet evolved any principle for distribution but that the distribution is done on an *ad hoc* basis?

The Hon'ble Sri PRAFULLA CHANDRA SEN: The difficulty I am aware of is that there is paucity of material.

Sri BIMAL COMAR GHOSE: Is the Hon'ble Minister aware that even with the paucity of material to which he refers, even that scarce material that Government have is being distributed without having adequate information in the department?

The Hon'ble Sri PRAFULLA CHANDRA SEN: It is being equitably distributed according to the needs of the different industries.

Sri BIMAL COMAR GHOSE: Is the Hon'ble Minister aware that so far as industries are concerned, the fact that distribution has been left to the Civil Supplies Department as a result of which two inspectorates have to be established in the Civil Supplies and in the Industries Departments, involves extra expenditure to Government?

The Hon'ble Sri PRAFULLA CHANDRA SEN: No. They act in collaboration.

Sri BIMAL COMAR GHOSE: Is the Hon'ble Minister aware that two separate inspectorate staffs are in fact in existence maintained by the two departments?

The Hon'ble Sri PRAFULLA CHANDRA SEN: The inspectorates of the Industries and the Civil Supplies Departments act in collaboration and therefore the question of extra expenditure does not arise.

Sri SIMAL COMAR GHOSE: Is the Hon'ble Minister aware that they do not act in collaboration but each has to depend on the report of its own inspectorate staff?

The Hon'ble Sri PRAFULLA CHANDRA SEN: So far as the small manufacturers are concerned, the report of the Industries Department inspectorate is taken as the proper recommendation.

Communal disturbance on 25th February, 1948, at Narikeldanga Main Road.

***6. Sri KANAI LAL DE:** Will the Hon'ble Minister in charge of the Home Department be pleased to state গত ২৫শে ফেব্রুয়ারি তারিখে নারিকেলডাঙ্গা মেন রোড দাঙ্গার ফলে—

(*a*) কতজন নিহত হইয়াছে;

(*b*) কতজন আহত হইয়াছে;

(*c*) কতগুলি গৃহে অগ্নিসংযোগ করা হইয়াছে;

(*d*) দাঙ্গার কারণ কি;

(*e*) প্রথম ঘটনার কতক্ষণ পরে ঘটনাস্থলে পুলিশ সাহায্যে গিয়াছিল;

(*f*) ঘটনাস্থান বেলেঘাটা থানা হইতে কতদূর;

(*g*) ঐ স্থানে স্থায়ীভাবে সশস্ত্র পুলিশ রাখা বাঞ্ছনীয় কি না;

(*h*) বাঞ্ছনীয় হইলে সশস্ত্র পুলিশ রাখা হইয়াছিল কি না; এবং

(*i*) স্বরাষ্ট্র বিভাগের ভারপ্রাপ্ত মন্ত্রীমহাশয় ঘটনাস্থান পরিদর্শন করিয়াছেন কি?

The Hon'ble Dr. BIDHAN CHANDRA ROY (on behalf of the Hon'ble Sri Kiran Sankar Roy): (*a*) Three.

(*b*) Seventeen.

(*c*) Four.

(*d*) The riot originated from the detection of a Muslim pick-pocket on a bus passing through the Muslim locality of the Narikeldanga Main Road.

(*e*) The police arrived within 5 minutes of the outbreak of the riot.

(*f*) 500 yards.

(*g*) and (*h*) Armed pickets are not ordinarily posted there except on special occasions like *Puja* immersion, *Bakr-Id*, etc. In the absence of any apprehension of trouble no armed force was posted there at the time of the occurrence.

(*i*) The spot was visited by the Hon'ble Sri Kalipada Mukherjee under the direction of the Hon'ble Premier.

Sri KANAI LAL DE: মাননীয় মন্ত্রীমহাশয় জানেন কি যে অন্ততঃ ২০ মিনিট পরে সেখানে পুলিস গিয়েছিল?

The Hon'ble Dr. BIDHAN CHANDRA ROY: ঘড়ি ধরে বলতে পারি না—কত পরে গিয়েছিল; তবে খুব শীঘ্রই গিয়েছিল, এটা বলতে পারি।

Sri KANAI LAL DE: মাননীয় মন্ত্রীমহোদয় জানেন কি যে আমি দ্বিতীয় বাসে ছিলাম এবং আমি বলতে পারি, একখানা বাস ভাঙ্গা অবস্থায় পড়েছিল এবং তারপরে দ্বিতীয় বাসে আমি যাই এবং আমাকে ধরে নিয়ে মসজিদের ভিতর আটকে রেখেছিল। তার অন্ততঃ ১৫ মিনিট পরে পুলিস সেখানে গিয়েছিল?

The Hon'ble Dr. BIDHAN CHANDRA ROY: আমাকে এই সমস্ত ঘটনা তারপর বলা হয়েছিল, আমার মনে আছে।

Sri KANAI LAL DE: মাননীয় মন্ত্রীমহাশয় অনুগ্রহ করে বলবেন কি যেমন বড়বাজারে চিৎপুর ও হ্যারিসন রোড crossingএ পুলিস posted আছে, সেই রকম নারকেলডাঙ্গা ঐ জায়গায় পুলিস posted করবেন কি না?

The Hon'ble Dr. BIDHAN CHANDRA ROY: সেখানে এখন ঐ রকম ব্যবস্থা নেই এবং যদি এই অবস্থার পুনরাবৃত্তি হয়, তাহলে তা করতে হবে।

Sri KANAI LAL DE: মাননীয় মন্ত্রীমহোদয় জানেন কি নারকেলডাঙ্গা খাল থেকে রেল লাইন পর্য্যন্ত অনেক দুর্বৃত্ত লোকের বাস আছে এবং সেইজন্য সেখানে পুলিস রাখা দরকার?

The Hon'ble Dr. BIDHAN CHANDRA ROY: না, আমি জানি না।

Sri KANAI LAL DE: মাননীয় মন্ত্রীমহোদয় জানেন কি ঐ অঞ্চলে বহু দুর্বৃত্ত, গুণ্ডা ও pick-pocket ঘোরাফেরা করে? সেইজন্য ঐ খালের Bridgeর ওধারে পুলিস রাখা শান্তিরক্ষার জন্য প্রয়োজনীয়।

The Hon'ble Dr. BIDHAN CHANDRA ROY: এটা আপনিই বলে আপনিই তার উত্তর দিলেন। আমার জানা নেই যে ওখানে অনেক দুর্বৃত্ত আছে।

Sri KANAI LAL DE: মাননীয় মন্ত্রীমহাশয় অনুসন্ধান করে দেখবেন কি সেখানে ঐসব দুর্বৃত্ত আছে কিনা?

The Hon'ble Dr. BIDHAN CHANDRA ROY: আচ্ছা, খোঁজ নেব।

Seizure of firearms in the district of 24-Parganas.

*7. **Mr. JASIMUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that guns and firearms were seized from the licensees of 24-Parganas?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reason thereof;

(*ii*) the total number of licences held by—

(A) Muslims, and

(B) Non-Muslims

separately in those thanas from where the aforesaid seizure was made; and

(*iii*) the number of guns seized from—

(A) Muslims, and

(B) Non-Muslims

separately in such thanas?

The Hon'ble Dr. BIDHAN CHANDRA ROY (on behalf of the Hon'ble Sri Kiran Sankar Roy): (*a*) Yes, on 1st March, 1948.

(*b*) (i) One or more of the following reasons:—

(1) Old age and physical disability.

(2) Insecure storage arrangement.

(3) Anti-social activities.

(4) Bad temper.

(5) Permitting misuse or abuse of firearms.

(6) Poverty.

(7) Activities inimical to the State.

(ii) and (iii) A statement is laid on the Table.

Statement referred to in sub-clauses (ii) and (iii) of clause (b) of starred question No. 7.

Name of police-station.	Total number of licence held by.			Number of licence cancelled.		
(1) Deganga ..	(A) Muslim ..	69		(A) ..	51	
	(B) Non-Muslim ..	31		(B) ..	5	
	Total ..	100			56	
(2) Habra ..	(A) Muslim ..	76		(A) ..	44	
	(B) Non-Muslim ..	95		(B) ..	5	
	Total ..	171			49	
(3) Bongaon ..	(A) Muslim ..	63		(A) ..	57	
	(B) Non-Muslim ..	78		(B) ..	1	
	Total ..	141			58	
(4) Gaighata ..	(A) Muslim ..	22		(A) ..	9	
	(B) Non-Muslim ..	28		(B) ..	0	
	Total ..	50			9	
(5) Canning ..	(A) Muslim ..	119		(A) ..	19	
	(B) Non-Muslim ..	182		(B) ..	1	
	Total ..	301			20	
(6) Hasnabad ..	(A) Muslim ..	52		(A) ..	39	
	(B) Non-Muslim ..	128		(B) ..	3	
	Total ..	180			42	
(7) Baduria ..	(A) Muslim ..	48		(A) ..	46	
	(B) Non-Muslim ..	50		(B) ..	4	
	Total ..	98			50	
(8) Sarupnagar ..	(A) Muslim ..	41		(A) ..	36	
	(B) Non-Muslim ..	21		(B) ..	4	
	Total ..	62			40	

Name of police-station.	Total number of licence held by.			Number of licence cancelled.		
(9) Haroa ..	(A) Muslim ..	68		(A) ..	51	
	(B) Non-Muslim ..	55		(B) ..	1	
	Total ..	123			52	
(10) Sandeshkhali ..	(A) Muslim ..	22		(A) ..	10	
	(B) Non-Muslim ..	87		(B) ..	0	
	Total ..	109			10	
(11) Basirhat ..	(A) Muslim ..	78		(A) ..	67	
	(B) Non-Muslim ..	165		(B) ..	4	
	Total ..	243			71	
	Grand Total ..	1,578			457	

Janab MD. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state if he has figured out that about 65 per cent. of the guns belonging to the Muslims and only 3 per cent. of the guns of the Hindus have been seized?

The Hon'ble Dr. BIDHAN CHANDRA ROY: All the figures are there. I have not calculated the percentage. I think Mr. Khuda Bukhsh might do so.

Janab Md. KHUDA BUKHSH: Will the Hon'ble Minister be pleased to state if he has got in his possession the detailed report of the officers concerned and will he be pleased to tell us exactly how many guns were seized under each head (1), (2), (3), (4), (5), (6) and (7)?

The Hon'ble Dr. BIDHAN CHANDRA ROY: I am afraid not. I have no figures.

Hindu Mahasabha meeting at Sradhananda Park, Calcutta, in March, 1948.

***8. Janab MUDASSIR HOSSAIN:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is aware—

(i) that there was a meeting of Hindu Mahasabha at Sradhananda Park in March, 1948, to condole the death of Dr. Moonje; and

(ii) that communal passion was incited in that meeting by calling for enrolment of volunteers—

(A) for establishment of Hindu *Raj* in Akhand Hindusthan, and

(B) for Provisional Free Government of East Bengal established in West Bengal for invasion of East Bengal, which appeared in the daily *Azad* published in March, 1948?

(*b*) If the answer to (*a*) is in the affirmative, do the Government consider the desirability of taking immediate steps to stop the spread of communal passion?

The Hon'ble Dr. BIDHAN CHANDRA ROY (on behalf of the Hon'ble Sri Kiran Sankar Roy): (*a*)(*i*) Yes, a public meeting was held under the auspices of the Bengal Provincial Hindu Mahasabha on 7th March, 1948, to condole the death of Dr. Moonje.

(*ii*) No.

(*b*) Does not arise.

Condition of roads in Chinsura town.

***9. Sri RADHA NATH DAS:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state if it is a fact—

(*i*) that roads in Chinsura town are in a state of deterioration;

(*ii*) that on the roads from Chinsura railway station to the Hooghly Court *via* Sunripara and Kamarpara twenty buses of route No. 1, fifty buses of route No. 2, 100 cycle-rickshaws and about 1,500 cycles of railway passengers ply in the peak-hours;

(*iii*) that there is no electric light on the *Gandhi Rasta*, i.e., the Station Road;

(*iv*) that the metalled portions of the said roads are so narrow at places that two vehicles cannot pass at a time;

(*v*) that unmetalled portions on the two sides of the road are unfit for cycling;

(*vi*) that Kamarpara portion of route No. 1 has not been repaired for last 10 years; and

(*vii*) that there are cases of injury from the stones flying at random when buses and motor cars pass along the Kamarpara portion of route No. 1?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of taking immediate steps—

(*i*) for repair of the roads with tar leaving no portion untarred on the two sides; and

(*ii*) for providing electric lights on the *Gandhi Rasta*?

The Hon'ble Dr. BIDHAN CHANDRA ROY: (*a*)(*i*) Yes.

(*ii*) Twenty buses of route No. 1, 36 buses of route No. 2 and about 100 cycle-rickshaws and 1,500 cycles ply on the roads during peak-hours.

(*iii*) and (*iv*) Yes.

(*v*) No; only at some places the unmetalled portions of the road on its two sides are unfit for cycling.

(*vi*) No.

(*vii*) No such case has been reported.

(*b*) The roads in question are vested in the Commissioners of the Hooghly-Chinsura Municipality. They are primarily responsible for maintenance of the roads and for providing suitable lights on them.

Janab MD. KHUDA BUKHSH: Arising out of the Hon'ble Minister's answer to (*b*) that "the roads in question are vested in the Commissioners of the Hooghly-Chinsura Municipality. They are primarily responsible for maintenance of the roads and for providing suitable lights on them", will he please tell the House whether he proposes to take any action if the Commissioners fail to do their duties properly?

The Hon'ble Dr. BIDHAN CHANDRA ROY: If you want to ask me that question, it is practically every municipality including Murshidabad which is doing the same thing, but so far as this particular road is concerned, I might tell you that the District Magistrate, Hooghly, submitted a

proposal for the grant of a subvention of Rs. 1,11,424 to be given to th municipality for repairs of the roads in question. As we found that th municipality had not the capacity to repair the roads quickly, we hav asked the Works and Buildings Department to take up this matter as a emergent matter because it happens to be the path of the main trunk road

Janab MD. KHUDA BUKHSH: Will the Hon'ble Minister be please to tell us whether he would be prepared to extend this facility to the othe municipalities if they were to prove that they were in similar need and th roads in question were also similarly important?

The Hon'ble Dr. BIDHAN CHANDRA ROY: I am perfectly agreeabl to do so if the honourable member will tell us where to find the funds fron in order to give subventions to all the municipalities in Bengal.

Ganges Barrage Project.

***10. Maharaja SRIS CHANDRA NANDY of Cossimbazar:** (*a*) Wil the Hon'ble Minister in charge of the Irrigation and Waterways Departmen be pleased to state whether Government have any scheme known as th Ganges Barrage Scheme?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Ministe be pleased to state—

(*i*) the total estimated cost of the Ganges Barrage Scheme including th cost of railway and road bridges;

(*ii*) when the actual construction is going to be taken up;

(*iii*) whether the entire cost will be borne by Government of India; and

(*iv*) if not, what portion will be borne by the Provincial Government

(*c*) Will the Hon'ble Minister be pleased to furnish a time-table showin the work expected to be taken up each year till the Barrage Scheme i completed?

MINISTER in charge of the IRRIGATION and WATERWAY DEPARTMENT (the Hon'ble Sri Bhupati Majumdar): (*a*) to (*c*) Investi gations for the preparation of a Ganges Barrage Project have been under taken at an estimated cost of Rs.12 06 lakhs which the Government of Indi have been asked to meet in its entirety. Until the investigation which i likely to take two years is completed, other informations wanted by th honourable member cannot be furnished.

[গঙ্গাবাঁধ পরিকল্পনা প্রস্তুত করার উদ্দেশ্যে আনুমানিক ১২,০৬,০০০৲ টাকা ব্যয়ে অনুসন্ধান ও তথ্যাদি সংগ্রহ আরম্ভ করা হইয়াছে। কেন্দ্রীয় সরকারকে এই ব্যয়বহনের জন অনুরোধ করা হইয়াছে। পরিকল্পনা প্রস্তুত না করা পর্যন্ত মাননীয় সদস্য মহোদয় অন্যান্য যে সকল প্রশ্ন তুলিয়াছেন, তাহাদের উত্তর দেওয়া সম্ভব নয়।]

Sri BIMAL COMAR CHOSE: Will the Hon'ble Minister be please to tell us if the Government have agreed to pay the amount asked for?

The Hon'ble Dr. BIDHAN CHANDRA ROY: They have not ye finally decided.

Damodar Canal.

***11. Sri ANNADAPRASAD MANDAL:** (*a*) Will the Hon'ble Ministe in charge of the Irrigation Department be pleased to state ইহা কি ঠিক দামোদর ক্যানেলের কতক স্থানে ক্যানেলের জল অপব্যয়িত হয়?

(*b*) যদি উহা হয়, তাহা হইলে ঐ জল ফিরাইয়া যে সকল জমিতে জল পায় না তাহাতে দেওয়ার আবশ্যকতা মন্ত্রীমহাশয় বিবেচনা করেন কি? এবং তদনুরূপ আদেশ না থাকিলে তাহা জারী করিবার কথা বিবেচনা করিবেন কি?

(c) তিনি কি অবগত আছেন যে, এখনও বহু জোলো জমিতে ক্যানেলের জল বেশী দেওয়ায় ঐসব জমিতে পূর্বে যেরূপ ফসল হইত তাহা অপেক্ষা অনেক কম হইতেছে অথচ চাষীকে রোয়া পাঁচিয়া যাওয়ায় ২।৩বার রোয়ার খরচা বহন করিতে হইতেছে ও তাহার উপর ক্যানেলের কর দিতে হইতেছে?

(d) অবগত থাকিলে, বিশেষভাবে তদন্ত করিয়া উপরোক্ত অবস্থায় যাহাতে চাষীর ক্ষতি না হয় ও ফসল বেশী জন্মায় তজ্জন্য উপযুক্ত ব্যবস্থা করার আবশ্যকতা তিনি বিবেচনা করেন কি?

The Hon'ble Sri BHUPATI MAJUMDAR: (a) সাধারণতঃ না; তবে কোন কোন বৎসরে অত্যধিক বৃষ্টিপাত হইলে বা হঠাৎ অত্যধিক বৃষ্টিপাত হইলে ক্যানেলের শেষমাথায় সামান্য জল নির্গত হয় কিন্তু তাহা নিবারণ করা যায় না।

(b) ইহাকে ফিরাইয়া বা ঘুরাইয়া অন্যত্র দেওয়া সম্ভব নহে। কারণ নিয়মিত সরবরাহের অতিরিক্ত জল খুব কম সময়েই পাওয়া যায়।

(c) সেচের জন্য প্রয়োজনের অতিরিক্ত ক্যানেলের জল সরবরাহ করা হয় না। তবে অত্যধিক বৃষ্টিপাত হইলে কোন কোন নাবাল জমিতে জল জমিয়া যায়। ফসলের ক্ষতি হইলে ক্যানেল কর মকুব করা হয়।

(d) দামোদর পরিকল্পনা পূর্ণ না হইলে ইহা রোধ করা যাইবে না।

Janab MD. KHUDA BUKHSH: মাননীয় মন্ত্রীমহাশয় বললেন যে ফসলের ক্ষতি হলে Canal কর মকুব করা হয়। শুধু Canal কর মকুব করলেই কি সম্পূর্ণ compensation পেয়ে থাকে?

The Hon'ble Sri BHUPATI MAJUMDAR: অন্য কোন উপায় নেই—ঐটাই শ্রেষ্ঠ উপায়।

Janab MD. KHUDA BUKHSH: Canal কর সাধারণতঃ acre বা বিঘাপ্রতি কত করে নেওয়া হয়?

The Hon'ble Sri BHUPATI MAJUMDAR: It does not arise.

Janab MD. KHUDA BUKHSH: It does. Mr. Speaker, Sir, I asked the Hon'ble Minister to state what was the usual canal rate per acre or per bigha. The Hon'ble Minister replies that it does not arise. Will you please tell us whether it does or it does not arise?

Mr. SPEAKER: I think it arises. It is for the Hon'ble Minister to reply.

The Hon'ble Sri BHUPATI MAJUMDAR: I ask for notice.

(When Starred Question No. 12 was called.)

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: This question may please be held over till the Hon'ble Minister's return from Delhi.

Mr. SPEAKER: All right.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Preservation of cowdung manure.

1. Sri ANNADAPRASAD MANDAL: (a) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

তিনি কি অবগত আছেন যে—

(i) আরও শস্য ফলাও কার্যকরী করিতে হইলে জমিতে অধিকতর সার দেওয়া আবশ্যক;

(ii) গোবরসার যাহাতে সারের জন্য সঞ্চিত হয় তাহার ব্যবস্থা করা আবশ্যক; এ

(iii) [illegible] করলা না পাওয়ায় কৃষকেরা গোবরসার [illegible] কার্যে ব্যবহা করিতেছে?

(b) অবগত থাকিলে কৃষকেরা জ্বালানীর জন্য যাহাতে উপযুক্ত পরিমাণে করলা কাঠ পায় তাহার ব্যবস্থা করা তিনি আবশ্যক মনে করেন কি না?

The Hon'ble Sri JADABENDRA NATH PANJA: (a) হাঁ।

(b) হাঁ। ১০৮,১৪১ ও ১৪২ নম্বর যুদ্ধোত্তর উন্নয়নমূলক পরিকল্পনাগুলির অধীনে মেদিনীপুর, বাঁকুড়া ও নদীয়া জেলাতে নানাপ্রকার বৃক্ষরোপনকার্য্য আরম্ভ করা হইয়াছে ঐসকল বৃক্ষের মধ্যে দ্রুতবর্দ্ধমান জ্বালানী কাঠের গাছও আছে। পশ্চিমবঙ্গের সমস্ত জেলাগুলিতে এই কার্য্য সুবিধামত আরম্ভ করা যাইবে এবং প্রত্যেক জেলাতে একজন ব আধিকারিক নিযুক্ত হইবেন। এই সকল আধিকারিকদের কার্য্য হইবে গ্রামে গ্রামে যাহাতে সত্বর জ্বালানী কাঠের গাছ, গবাদি পশুর খাদ্য ও বাঁশ জন্মায় এইরূপ ছোট ছোট গ্রামাঞ্চল সৃজন করা। এইভাবে জ্বালানী কাঠের সরবরাহ বৃদ্ধি করা হইবে এবং এই প্রচেষ্টা সফল হইলে গোবর জ্বালানীর জন্য ব্যবহৃত না হইয়া সার হিসাবে ব্যবহৃত হইবে।

High profits made by cloth-dealers and mill-owners.

2. Sri BASANTLAL MURARKA: (a) Will the Hon'ble Minister i charge of the Civil Supplies Department be pleased to state whether he aware that the mill-owners and cloth-dealers made exorbitant profits aft decontrol?

(b) If the answer to (a) is in the affirmative, whether any steps we taken by the Government to prevent it?

(c) If not, why?

The Hon'ble Sri PRAFULLA CHANDRA SEN: (a) Yes.

(b) The question of textile control was a matter of All-India policy; ar the Provincial Government had been bringing to the notice of the Gover ment of India the prevailing situation in the Province with regard to hig prices of cloth ever since March, 1948.

(c) Does not arise.

Movement Permits for Textile.

3. Sri BASANTLAL MURARKA: (a) Will the Hon'ble Minister i charge of the Civil Supplies Department be pleased to state with referenc to his broadcast speech on the 17th August, 1948—

(i) the monthly quota for cotton textiles for each of the seven borde districts adjacent to Eastern Pakistan;

(ii) whether 52,694 bales of cotton textiles were moved to the abo seven districts during March, 1948;

(iii) whether normal monthly quota of cotton textiles for 24-Pargan was 1,075 bales;

(iv) whether during the same month 28,839½ bales of textiles we moved to 24-Parganas; and

(v) whether permits are required for movement of textiles fro Calcutta to the said areas?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minist be pleased to state the reasons for issuing permits for movement of textil more than the normal quota to the said areas?

(c) Will the Hon'ble Minister be pleased to state whether he is awa that textile goods are smuggled from those areas to Eastern Pakistan?

(*d*) If so, will he be pleased to state whether any preventive measures are taken at the Permit Office for prevention of such smuggling?

The Hon'ble Sri PRAFULLA CHANDRA SEN: (*a*)(*i*) The monthly quotas during the last control of the seven border districts were as follows:—

(1) 24-Parganas	1,075
(2) Nadia	316
(3) Murshidabad	596
(4) Jalpaiguri	225
(5) Darjeeling	125
(6) West Dinajpur	223
(7) Malda	295

(*ii*) Movement Permits for 52,704½ bales were issued but Government have no exact information as to what quantities were actually moved.

(*iii*) Yes, up to January, 1948, during the period of the last control.

(*iv*) Movement Permits were issued for 28,849½ bales but Government have no information if the entire quantity actually moved.

(*v*) Movement of textiles within the Province was free after the decontrol of cloth in January, 1948, according to the Government of India's policy. But the Provincial Government retained the system of issuing Movement Permits with a view to keeping a watch over actual distribution, month by month, of textiles in different areas, though permits were issued freely on application according to the general policy.

(*b*) After decontrol there was no normal quota for any area nor were permits issued on a quota-basis. Movement of textiles within the Province was freely allowed on application according to the policy of decontrol. Permits were issued merely for purposes of collecting information.

(*c*) Yes. It was brought to the notice of the Government at the end of March, 1948, that smuggling was taking place from 24-Parganas.

(*d*) As soon as Government found that permits were issued for movement of huge quantities of cloth to the border districts during March, issue of Movement Permits to these districts was altogether stopped early in April. In fact the retention of the system of issuing formal permits in spite of the general policy of free movement within the Province enabled Government to stop all movements of cloth to the border districts at once.

Shaik MOHAMAD RAFIQUE: Is the Hon'ble Minister aware that foreign-made textile goods are smuggled from Eastern Pakistan to Western Bengal?

The Hon'ble Sri PRAFULLA CHANDRA SEN: That is for the Government of India; that is not a provincial affair.

The Old Benares Road.

4. Mr. JASIMUDDIN AHMED: Will the Hon'ble Minister in charge of the Works and Buildings Department be pleased to state—

(*a*) whether the Benares Road was proposed to be improved; if so, when; and

(*b*) whether the concrete slabs for construction of culverts are strewn unused in the fields and roadsides; if so, why?

MINISTER in charge of the WORKS and BUILDINGS DEPARTMENT (the Hon'ble Sri Bimal Chandra Sinha): (*a*) When the first road programme of Bengal was formulated in 1939, the Chanditala-Seakhala portion of the old Benares Road was proposed to be improved as part of the Provincial Government's road plan. Later on, the scheme of national

and provincial highways and major and other district roads was formulated by the Government of India in consultation with the Provincial Governments. Under this scheme, the alignment of the national highways has to be fixed by the Provincial Government with the concurrence of the Government of India which bears the financial burden. The alignment of the Calcutta-Delhi National Highway, which runs through this locality, has been fixed by the Provincial Government to run some way off this portion of the old Benares Road and consequently the Provincial Government have decided to maintain the portion between Chanditala and Seakhala of the old Benares Road in a state of good repairs on the basis of existing specification. The National Highway Scheme in the neighbourhood of this road here, however, has been sent to the Government of India for their approval. Work will start as soon as possible after the approval of the Government of India is obtained.

(*b*) The concrete D rings for culverts had been kept near the sites of the previously proposed culverts. These could not be used owing to the change of the scheme. They will be diverted to other works.

Funds allotted to different Government officers in the districts for relief work.

5. Sri ANNADAPROSAD CHOUDHURY: মাননীয় সমবায় মন্ত্রী মহোদয় অনুগ্রহপূর্ব্বক জানাইবেন কি, গত ১৯৪৮ সনের ১লা জানুয়ারী তারিখে রিলিফ ও দাতব্য খাতে ব্যয় করিবার উদ্দেশ্যে পশ্চিম বাংলা সরকারের কোন্ কোন্ জেলায় কোন্ কোন্ সরকারী কর্ম্মচারীর এক্তিয়ারে কত টাকা জমা ছিল?

The Hon'ble Sri NIKUNJA BEHARY MAITY: বিভিন্ন খাতের হিসাব দেখাইয়া নয়টি বিবৃতি Library Tableএর উপর স্থাপিত হইল।

STARRED QUESTIONS

(to which oral answers were given)

Derelict tanks in Ghatal subdivision.

***13. Sri ANNADA PROSAD CHOUDHURY:** Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) the present number of derelict tanks in Ghatal subdivision;

(*b*) the number of them that are irrigation tanks and can be brought under the Irrigation Tank Improvement Act, if the proprietors fail to get them cleaned; and

(*c*) how many cannot be so done?

The Hon'ble Sri JADABENDRA NATH PANJA: (*a*) and (*b*) No reliable data are available; but according to Settlement Records of Right the total number of irrigation tanks in the subdivision is 969 of which 500 are estimated to be in derelict condition.

All these tanks can be brought under the Tanks Improvement Act.

(*c*) Does not arise.

Corruption among Civil Court employees.

***14. Sri ANNADAPRASAD MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) তিনি কি অবগত আছেন যে, আদালতের কর্মচারিগণের মধ্যে ঘুষ আদায় করার একটি প্রথা বর্তমান আছে?

এই ঘুষ যাহাতে বন্ধ হয় তাহার কার্যকরী উপায় তিনি চিন্তা করিয়াছেন কি না? যদি করিয়া থাকেন, তাহা কি?

(c) আদালতের পিয়ন ও আমলাদের মাহিনা বৃদ্ধি করা আবশ্যক তিনি মনে করেন কি না?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Sri Niharendu Dutt-Mazumdar): (a) হাঁ,—ঘুষ আদান-প্রদানের প্রথা সম্বন্ধে অভিযোগ আমার নিকট আসিতেছে।

(b) এ বিষয়ে কার্যকরী উপায় উদ্ভাবন সম্বন্ধে মহাধর্মাধিকরণের (High Court) সহিত পরামর্শ করিয়া কার্যপ্রণালী নির্ধারিত হইতেছে। যেসব উপায় অবলম্বিত হইতেছে তাহার সবগুলিই পূর্বে প্রকাশ করা যায় না, কারণ পূর্বে প্রকাশ পাইলে সুফল নষ্ট হইয়া যাইবার আশঙ্কা আছে। তবে মোটামুটি বলা যায় যে, জেলা-জজ, সাবজজ এবং মুন্সেফগণকে পুনঃপুনঃ নির্দেশ দেওয়া হইয়াছে যে, তাঁহারা যেন ঘুষ বন্ধ করিবার জন্য সর্বপ্রকারে চেষ্টা করেন এবং এ বিষয়ে সবিশেষ অবহিত হন। জজ, সাবজজ এবং মুন্সেফগণ আদালতের কর্মচারী, উকিল, মোক্তার, মুহুরী এবং মক্কেলদিগের সহিত আলোচনা করিয়া সকলের সাহায্য এবং সহযোগিতা প্রার্থনা করিয়াছেন। সেই সকল আলোচনার সিদ্ধান্ত অনুযায়ী জেলা-জজগণ বিভিন্ন ব্যবস্থা অবলম্বন করিতেছেন। আদালত গৃহগুলিতে এই মর্মে নোটিশ দেওয়া হইয়াছে যে, আদালতের কর্মচারীদের মধ্যে কেহ ঘুষ চাহিলে তাহা যেন অবিলম্বে সংশ্লিষ্ট আদালতের বিচারককে কিংবা জেলা-জজকে জানান হয়। অফিসারগণ মাঝে মাঝে অকস্মাৎ অফিসের ভিতরে গিয়া [illegible] কার্য পরিদর্শন করিয়া থাকেন। এইরূপ নানাপ্রকার ব্যবস্থার ফলে অনেকগুলি কর্মচারী, জারীকারক (process-server) প্রভৃতি ঘুষ লইতে গিয়া ধরা পড়িয়াছে এবং তাহাদের যথোচিত শাস্তিবিধান করা হইয়াছে। এইসব কার্যপ্রণালীর ফলে ঘুষ অনেকটা কমিয়া আসিয়াছে মনে হয়।

(c) এই বিষয় এখনও সরকারের বিবেচনাধীন রহিয়াছে।

Sri CHARU CHANDRA BHANDARI: মাননীয় মন্ত্রীমহোদয় জানেন কি এই সমস্ত আদালতের কর্মচারীদের ঘুষ বন্ধ করতে হলে আর একটা বিপদের সম্ভাবনা আছে? সঙ্গে সঙ্গে সেই ব্যবস্থা না করলে তা কার্যকরী হবে না। সেটা এই যে ঘুষ দিলেন না কিন্তু যে কাজের জন্য যাবেন সে কাজে এক সপ্তাহ দুসপ্তাহে হবে না। তাহলে কাজকর্ম সব বন্ধ হয়ে যাবে।

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: এই ধরণের কোন কাজের শৈথিল্যের নিদর্শন যদি গভর্ণমেণ্টের কাছে আনা হয়, তাহলে সমুচিত ব্যবস্থা করা হবে।

Sri CHARU CHANDRA BHANDARI: এই শৈথিল্যের নিদর্শন সরকারের নোটিসে আনার প্রশ্ন আসে না। এই শৈথিল্য এমনি ব্যাপক, এমনি বহুমূল যে সরকার তা জানেন। বিশেষ কোন নিদর্শন সরকারের কাছে আনার আবশ্যকতা আছে কি? এই রকম শৈথিল্য আছে। ঘুষ না দিলে কোন কাজ হয় না, ঘুষ বন্ধ করলে কাজ হবে না—এটা সকলেই জানেন।

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: আমার মনে হয়, ঘুষ দিয়ে তাড়াতাড়ি কাজ আদায় করার চেয়ে ঘুষ প্রথা বন্ধ করার জন্য যারা আদালতের কার্যে সংশ্লিষ্ট আছেন, তারা যদি এ সম্বন্ধে কোন প্রকার শৈথিল্য সরকারের গোচরে আনেন এবং একটু ক্লেশ স্বীকার করেন সেই সহযোগিতা পেলে সরকারের পক্ষে ঘুষ বন্ধ করা আরও সহজ হয় এবং আদালতে যাতে তাড়াতাড়ি এবং সুষ্ঠুভাবে কাজ হয় তার ব্যবস্থা করারও সুবিধা হয়।

Sri CHARU CHANDRA BHANDARI: আদালতের কাজকর্ম, কাগজ আদান প্রদান বা অন্য কোন আদেশপত্র যাতে তাড়াতাড়ি বেরোয় এই ভাবের সাধারণ ব্যবস্থা মাননীয় মন্ত্রীমহাশয় কোরে রাখবেন কিনা? সেটা অত্যন্ত প্রয়োজনীয়।

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: বর্তমান নিয়ম অনুযায়ী যে ব্যবস্থা রয়েছে কিন্তু সেই ব্যবস্থার ব্যতিক্রম যদি কোথাও হয় তার বিশেষ দৃষ্টান্ত পেলে সেটা অনুসন্ধান কোরে তার প্রতিবিধান করতে সুবিধা হয়।

Sri KANAI LAL DE: মাননীয় মন্ত্রীমহাশয় অবগত আছেন কি যে মফঃস্বলের দেওয়ানী আদালতের যে বিভাগে যত কর্মচারী আছে তারা overworked সুতরাং বেশী সংখ্যায় কর্মচারী নিযুক্ত না করলে ঘুষ বন্ধ হবে না?

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: "Opting out"এর ফলে আদালতের কর্মচারীদের মধ্যে বহু surplus কর্মচারী রয়েছে। অতএব লোকের অভাব আছে বোলে মনে হয় না।

Sri KANAI LAL DE: মাননীয় মন্ত্রীমহাশয় জানেন কি যে মফঃস্বলের আদালতের জারী বিভাগে এক একজন জারী মুহুরীকে ৫ হাজার পর্য্যন্ত sale certificate দিতে হয় এবং সেই বিভাগের কর্মচারীরা অন্য বাহিরের লোক নিযুক্ত কোরে সেইসব লেখার জন্য ২৲ টাকা, ২৲ টাকা, ৫৲ টাকা পর্য্যন্ত ঘুষ নেয়?

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: এ সম্বন্ধে কোন দৃষ্টান্ত আমার নজরে আনলে অনুসন্ধান করা হবে। পশ্চিম বঙ্গ প্রদেশে প্রায় ১ হাজার জারীকারক রয়েছে।

Sri KANAI LAL DE: মফঃস্বলে practiceএর অভিজ্ঞতা আমার ৩০ বৎসরের আছে। আমি মাননীয় মন্ত্রীমহাশয়ের দৃষ্টি এবিষয়ে আকর্ষণ করছি যে জারী বিভাগের এক একজন clerkকে প্রায় ৫ হাজার sale certificate লিখতে হয়। Execution clerkরা বাহিরের লোক দিয়ে সেইসব লিখিয়ে নেয় এবং তারজন্য টাকা আদায় করে।

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: ওটা ত আপনার একটা বিবৃতি হচ্ছে, ওটা প্রশ্ন নয়।

Sri KANAI LAL DE: প্রশ্ন হচ্ছে এই যে শুধু কর্মচারীদের ঘুষ বন্ধ কর বললে হবে না; তারা যাতে ঐরকমভাবে ঘুষ নিতে প্ররোচিত বা প্ররোচিত না হয় তার জন্য আরও বেশী সংখ্যায় কর্মচারী নিযুক্ত করতে হবে যাতে বিনা ঘুষে আরও তাড়াতাড়ি কাজকর্ম হ'তে পারে।

(A voice: বেশী ঘুষ দিলে কাজের priority হয়।)

Janab MD. KHUDA BUKHSH: মাননীয় মন্ত্রীমহাশয় প্রশ্নের জবাবে বলেছেন যে বিভিন্ন জেলা জজরা আলোচনা করছেন এবং সেই সিদ্ধান্ত অনুযায়ী বিভিন্ন ব্যবস্থা অবলম্বন করছেন। সরকারের তরফ থেকে একটা নীতি অনুসরণ করবার জন্য জেলা জজদিগকে বলা হয়েছে কি?

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: প্রশ্নের উত্তরে দৃষ্টান্ত স্বরূপ দেওয়া হয়েছে যে প্রত্যেক আদালতে নোটীস দেওয়া হয়েছে, অকস্মাৎ গিয়ে অফিসাররা আদালত তদারক করে দেখে থাকেন। বিভিন্ন রকম অবস্থায় বিভিন্ন রকম ব্যবস্থা অবলম্বিত হচ্ছে।

Sri HARIPADA CHATTERJEE: মাননীয় মন্ত্রীমহাশয় অবগত আছেন কি যে ঘুষ না দিলে কোন কালে সেখানে কাজ পাওয়া যায় না, কর্মচারীদের বাড়ীতে গিয়ে ঘুষ দেওয়া হয়?

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: তাদের চরিত্রের সংশোধন আবশ্যক। তবে আমাদের এরকম কথা জানা নাই।

Adjournment Motion.

Sri JYOTI BASU: Sir, I have been given consent to an adjournment motion which I want to move with regard to the *lathi* charge and tear-gassing of refugees near Sealdah Station. Shall we proceed with the adjournment motion now?

Mr. SPEAKER: Is there any objection?

The Hon'ble Dr. BIDHAN CHANDRA ROL: Yes, Sir, I object for two reasons. First of all, it contravenes the rules under which we act. An adjournment motion cannot be moved on a subject on which a judicial decision is pending. Cases are pending before the Court, and bails have been given to many of them and therefore until those are disposed of I do not think this motion should be allowed.

Mr. SPEAKER: If the matter is *sub judice*, I cannot allow it.

Janab MD. KHUDA BUKHSH: Sir, the Hon'ble the Leader of the House has told us that the matter is *sub judice*. The adjournment motion relates to the tear-gassing and *lathi* charge on the refugees on the 14th January last. Sir, Government have arrested certain persons; certain persons have been bailed out. If it were an adjournment motion about the accused, it would be correct for the Hon'ble the Leader of the House to tell us that the matter is *sub judice* and that it should not be permitted to be discussed in this House. But, Sir, the adjournment motion does not relate to the arrest of these persons; it relates to the conduct of the police and it relates to the conduct of other officers, and the refugees have not proceeded against them in court and therefore the conduct of the police is certainly not *sub judice* and it is certainly not under investigation in any court. It is under the investigation of Government, but that does not preclude this House from moving an adjournment motion on the subject and discussing the matter on the floor of the House.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I am very sorry, I do not agree with the argument. The proposition is that the question of *lathi* charge, tear-gassing by the police and mass arrest is before the court.

Mr. SPEAKER: In view of the statement made by the Hon'ble the Leader of the House that the matter is before the court, I do not think I can allow discussion of the subject.

Sri JYOTI BASU: Sir, will you allow me to explain, because this is my adjournment motion?

Mr. SPEAKER: Order, order. I have to rely on the statement of the Hon'ble the Leader of the House. In view of the fact that he says that the matter is *sub judice* these questions will come up for consideration before the court.

Sri JYOTI BASU: That is why I was making my submission. After hearing my submission you can of course give your verdict whatever you like.

Mr. SPEAKER: There can be no further discussion when the Hon'ble the Leader of the House says that the matter is *sub judice*.

Sri JYOTI BASU: I am not appealing to the Leader of the House as he is the person responsible for *lathi*-charging and tear-gassing the refugees. I am appealing to you as the Presiding Officer in this House and therefore what the Premier or the Leader of the House says has nothing to do——

Mr. SPEAKER: The point is whether the matter is *sub judice* or not. On that the statement of the Leader of the House is sufficient. When he says that it is *sub judice* I cannot allow a discussion on the subject.

Sri JYOTI BASU: On the point whether that statement is correct or not I would like to make my submission.

Mr. SPEAKER: When the Hon'ble the Leader of the House says that the matter is *sub judice* I have got to accept it.

Janab ABDUR RAHMAN SIDDIQI: If the Hon'ble the Leader of the House says that the matter is *sub judice* and I lay before you the view that it is not *sub judice*, then the Chair ought to decide whether it is so or not. Our word must be as weighty and as worthy of your attention as that of anybody sitting on the Government Benches.

Mr. SPEAKER: Well, Mr. Siddiqi, prosecution is generally started by Government and if the Hon'ble Leader of the House in charge of Government says that the matter is *sub judice*, what more can I do? I cannot allow any further discussion.

Sri JYOTI BASU: In that case my submission is that the Government can oppose any adjournment motion of this nature by saying that the subject-matter is *sub judice*. Unless, you, Sir, reflect upon the matter after hearing the Opposition Members, it is impossible that we can continue in this manner because, as has been pointed out by my friend Mr. Khuda Bukhsh just now, the matter is not *sub judice* and times without number in this House for the last two years we have been discussing such adjournment motions with regard to *lathi* charges, firing and so on and in every case——

Mr. SPEAKER: I regret I cannot allow a discussion on this subject. I have already given my ruling. I find there are several precedents for such a course being adopted. The point is whether the matter is *sub judice* or not. When the Leader of the House in charge of the prosecution says that the matter is *sub judice* I cannot enter into an investigation of the whole matter.

Sri JYOTI BASU: It is a question of interpretation.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, there is a very-well-laid-down rule in the Rules of Procedure of this House that after the Speaker's ruling has been given the Speaker's ruling cannot be open to any discussion and I think, Sir, there should be an end of the discussion after your ruling has been given.

(At this stage Mr. Jyoti Basu rose to speak.)

Mr. SPEAKER: I am sorry Mr Basu, I cannot allow any further discussion of this subject.

Sri JYOTI BASU: Sir, after you have given your consent to it, if this is the fate meted out to my adjournment motion, I am sorry to say, Sir, that the minority sections have no business to carry on in this House. Let the Government carry on with their business and the only thing I can do is to walk out of this House today. That is the only way I can register my protest.

Mr. SPEAKER: Order, order.

(At this stage Sri Jyoti Basu and Sri Ratanlal Brahmin left the Chamber.)

ORDINANCES.

The Calcutta *Thika* Tenancy Ordinance, 1948.

The Hon'ble Sri BIMAL CHANDRA SINHA: In accordance with section 88(2)(*a*) of the Government of India Act, 1935, I lay the Calcutta *Thika* Tenancy Ordinance, 1948 (West Bengal Ordinance No. XI of 1948), before this Assembly.

The West Bengal National Volunteer Force Ordinance, 1948.

The Hon'ble Sri BHUPATI MAJUMDAR: I beg leave to lay before this Assembly the West Bengal National Volunteer Force Ordinance, 1948.

GOVERNMENT BILLS.

The West Bengal Secondary Education Bill, 1949.

The Hon'ble Sri Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I beg to introduce the West Bengal Secondary Education Bill, 1949.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri Rai HARENDRA NATH CHAUDHURI: *I beg to* move that the West Bengal Secondary Education Bill, 1949, be referred to a Select Committee consisting of—

(1) Sri D. N. Mukerji,
(2) Sri Hemanta Kumar Basu,
(3) Sri Shyamapada Bhattacharyya,
(4) Sri Iswar Chandra Mal,
(5) Sri J. C. Gupta,
(6) Sri Khagendra Nath Das Gupta,
(7) Sri Bimal Comar Ghose,
(8) Sri Shyama Prosad Barman,
(9) Sri Harendra Nath Dolui,
(10) Janab Syed Badrudduja,
(11) Janab Husan Ara Begum,
(12) Mrs. Edna May Ricketts,
(13) Mr. Daniel Gomes, and
(14) myself (the mover),

with instructions to submit their report by the 1st February, 1949, and that the quorum of the Select Committee be fixed at five.

Mr. SPEAKER: Yes, Mr. Mukerji, you move your amendment now.

Sri D. N. MUKHERJI: I beg to move that the names of Mr. J. R. Walker, Sri Susil Kumar Banerjee and Sri Haripada Chatterjee be added to the proposed personnel of the Select Committee. I have received their consent, Sir.

The Hon'ble Sri Rai HARENDRA NATH CHAUDHURI: Sir, I accept the amendment.

Mr. SPEAKER: There is no other amendment, I think. Does the Hon'ble Minister like to speak on his motion?

The Hon'ble Sri Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, more than 8 years ago, in August, 1940, I had to rise from a seat to your left and start our opposition to the first venture of the Muslim League Government to enact a Secondary Education Bill and 4 years thereafter to retire in protest, along with my other Congress colleagues, from the Select Committee on the last Muslim League Bill, the Bill of 1944, on the subject. These four years and a half consisted not only of one chapter but chapters of Parnellism unparalleled in the recent legislative history of India except of course that great chapter during the Montford Reforms when under the inspiring leadership of Deshbandhu Das the old Bengal Legislative Council gave the quietus to Diarchy. With all their majority and European support, the Muslim League failed not only to enact their Secondary Education Bills but also to amend the Rules of Business so as to incorporate the rule of guillotine or compartmental closure over which also no small fight was waged. What was really the bone of contention in the Muslim League Secondary Education Bills over which we fought so desparately and hard and with forlorn hopes but with unexpected success? It was the attempt of the League to constitute the Board on communal lines to control and administer secondary education in this province where most of the high schools were founded, nursed and developed by non-Muslim effort, enterprise and benefactions.

The country and this province, in particular, had enough foretaste, and much too bitter taste indeed, of what communal representation meant in the Legislature and in the local bodies and even in the field of education

where *muktabisation* of primary schools was proceeding apace for years past. We sensed that further mischief was going to be wrought in the sacred sphere of education by the proposal to commit the whole system of secondary education under the blighting influence and witchery of a communally constituted Board. It was almost patent to all of us that if a primary school meant to the Muslim League a *maktab* where students were fed on urduised Bengali, a high school could eventually mean an unprogressive and urduised high madrassah in which Bengali language and culture will be in serious jeopardy. It may not be known to the public that at some stage in a conference over the Secondary Education Bill of 1944 of the then Government and the Opposition representatives, attempts were made to come to an understanding over the issue involved in the proposal to set up a Secondary Education Board on communal lines but the conference broke down as the Government representatives could not assure that Bengali would remain the medium of instruction in the secondary schools for the Bengali students irrespective of their creed, or that communal representation would not be introduced in the managing committees or in the composition of the teaching staffs of schools. The menace to the secondary education of Bengal, therefore, was not an imaginary one arising out of mere suspicion but real it did prove to be. At any rate, the failure of the conference left us in no manner of doubt that a Board of Secondary Education constituted on communal lines would end in making every high school a cockpit for communal wrangle and because we were so convinced we resolved that either the Secondary Education Bill of the Muslim League should go or the Muslim League Government should come to an end. As I have said before, the untiring labours of the Oppositoin achieved unexpected success. Not only the Secondary Education Bill of the Muslim League Government, whether in its original shape of 1940 or in its revised form of 1944 did go, but with the latter the Muslim League Government also went out of office and section 93 Government came into being in 1945.

It should be remembered, however, that throughout all the aforesaid parliamentary fight the leaders in the Opposition never denied the necessity of a properly constituted Secondary Education Board which was envisaged so far back as in 1919 by the Sadler Commission. The grounds on which the Sadler Commission recommended that there should be a new authority to control and administer Secondary Education were that "neither the Department of Public Instruction is so organised as to be able to supervise the new system, nor the governing bodies of the University can be so organised as to be able to deal effectively with all the High Schools especially as they lack necessary funds". If that was the opinion of the University Commission 30 years ago, certainly the argument has been strengthened as many times by the passage of years, particularly when the supervision of Collegiate education, the conduct of Degree examinations and the expansion of post-graduate studies have assumed such proportions as to fully engage the time and attention of the University authorities. In fact, for want of a new and unified authority to administer and control secondary education our high school education has not developed on right lines. Secondary education, which is essentially education for effective citizenship, demands expansion in such multiform types to suit the abilities, aptitudes and needs of the adolescents of a whole province that it can hardly remain tied to the apron strings of the University and follow a narrow course dictated by academic studies. The system of secondary education will no doubt serve the University with one form of its activity but all forms of its activity cannot be dominated by University courses. Rather it must have as diversified aspects as the social life itself. "If the multilateral idea, although it may not be expressed by means of multilateral schools, must be inherent in any truly national system of secondary education", as the Spens Committee reported in England, then that idea can be implemented only by a new authority—a Board of experts—separate from the University and not pre-occupied with its endeavours and requirements alone. In fact, therein

lies the great and ugent necessity of a new authority to control and administer *Secondary Education at the present moment and to meet that necessity the* Secondary Education Bill is proposed to be enacted.

I am glad to find that the Bill has been well received by the Press and the public and the non-communal character of the Board has been highly welcomed. There has been some criticism of the constitution of the Board, it is true, but the criticisms are not in the main well founded. For instance, it has been said with the old prejudice against Government and Government officials that such officials have been given a preponderating weight on the Board. That is neither arithmetically not substantially true. There are only 11 officials in a Board of 42 members—officials whose presence is necessary to make expert opinion available to the Board. A section of the Press has remarked that the University has been given larger representation than the teachers of secondary schools. The Sadler Commission recommended that the University should have adequate representation and the reasons that were given by the Commission are valid and will continue to be valid so long as a good part of our Secondary education will lay the foundation for University education. As regards teachers' representation, 5 professors and teachers of colleges and of the University and 6 Headmasters and Headmistresses and an Expert in Teaching, altogether 12 teachers, will surely be on the Board. Some more teachers may also come through other electorates. Assistant teachers in schools have not been allowed representation is another criticism, but the difficulty of framing a constituency for thousands of such teachers should have been obvious to the critics. Further there is not much reason to think that assistant teachers of schools will prove greater experts than Heads of schools or professors in the colleges and the University.

While such is the constitution of the Board, ample powers have been given to it to administer and develop Secondary Education on sound lines. In fact, quite a new feature of the Bill which I would like to stress is the clauses relating to the preparation and execution of Development plans (clauses 21 and 22). The clauses have laid a statutory duty on the Board to draw up Development plans and in the preparation of the Development plans, again, local educational institutions will have opportunity to submit their opinion and objections where they may be affected by such plan or plans.

Provisions have also been made for special committees for such purposes as (*a*) recognition of schools and grants-in-aid thereof, (*b*) conduct of examinations, (*c*) care and promotion of technical education in all its forms, and (*d*) attending to physical education in particular. It is proposed to constitute a Finance Committee of experts also.

Another point to which criticism has been directed is the financial resources that have been placed at the disposal of the Board. It has been said that they are inadequate. No one would be more glad than myself if more money can be placed at the disposal of the Board, but in our present circumstances it is not possible. In a Press Conference I ventured to explain the financial provision made for the Board thus:

"The present Government in spite of financial difficulties propose to start the Board with a statutory grant of Rs. 30 lakhs which will be augmented as necessary upon consideration of the annual budget estimates of the Board. If it be remembered that the last Bill introduced by the Muslim League Government in 1944 contemplated to start the Board with an initial grant of Rs. 25 lakhs only for the whole of united Bengal, the initial provision of Rs. 30 lakhs for West Bengal which is almost one-third of the original area may not be considered altogether inadequate."

It has been pointed out in reply that it is not one-third or two-thirds of Bengal that is a relevant consideration but the number of schools and

pupils involved. It may be so, but surely in West Bengal the number o high schools and their enrolment cannot be more than the number of 194 for the whole of Bengal.

The whole aim of the Board will have to be to devise a self-containe system of secondary education which will also permit pupils showing promis to proceed to higher academic or technical courses in the university or highe technological institutions. The present Government believes that identifie entirely with the cause of secondary education the new authority propose to be set up in the Bill will with the powers conferred and provisions mad be able to bring about the desired development and reform of secondary education on sound and diverse lines suitable to the needs, abilities an aptitudes of the adolescents in this province. It will prevent secondary education from courting frustration in the cloisters of the university o outside and it will be able to relate secondary education to life itself—life in its varied forms nad aspects, in the university as well as in the wide world outside, leading to that strengthening of our manpower and national resources which all of us so keenly desire at the new dawn of our national independence.

The motion of Sri D. N. Mukherji that to the proposed personnel of the Select Committee of the West Bengal Secondary Education Bill, 1949, the following names be added, namely:—

Mr. J. R. Walker,

Sri Susil Kumar Banerjee, and

Sri Haripada Chatterjee,

was then put and agreed to.

The motion of the Hon'ble Sri Rai Harendra Nath Chaudhuri as amended, that the West Bengal Secondary Education Bill, 1949, be referred to a Select Committee consisting of—

(1) Sri D. N. Mukherji,
(2) Sri Hemanta Kumar Basu,
(3) Sri Shyamapada Bhattacharyya,
(4) Sri Iswar Chandra Mal,
(5) Sri J. C. Gupta,
(6) Sri Khagendra Nath Das Gupta,
(7) Sri Bimal Comar Ghose,
(8) Sri Shyama Prosad Barman,
(9) Sri Harendra Nath Dolui,
(10) Janab Syed Badrudduja,
(11) Janab Husan Ara Begum,
(12) Mrs. Edna May Ricketts,
(13) Mr. Daniel Gomes,
(14) Mr. J. R. Walker,
(15) Sri Susil Kumar Banerjee,
(16) Sri Haripada Chatterjee, and
(17) The Hon'ble Minister-in-charge of the Education Department (the mover),

with instructions to submit their report by the 1st February, 1949, and that the quorum of the Select Committee be fixed at five, was then put and agreed to.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

The West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Bill, 1949.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I introduce the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I move that the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Bill, 1948, be taken into consideration.

Sir, I need not deliver a very long speech over this Bill. This House will remember that when the pressure of population on Calcutta began to increase the problem of housing accommodation became very acute. On the one hand, rents went up sky-rocketting and landlords began to demand high *salamis* and high rents; on the other hand, the housing accommodation available was very short in comparison with the total demand for housing. For these reasons the Government proceeded in two directions. On the one side a measure was enacted regulating the rate of rent and *salami* and the rights and liabilities of the landlords and the tenants, on the other hand an effort was made to have more rational housing accommodation through a house requisitioning scheme, and that was why an Act to that effect was put on the statute book in 1947. Since then several defects have been found to be very great impediments to the successful working of the Act.

Sir, these defects have been mentioned in the Statement of Objects and Reasons of the present amending Bill. Sir, one of the very great defects which hamper the successful working of the existing Bill was that the word "premises" was so defined that many premises which were not intended to be let could not be requisitioned. It was laid down in the Act that only those premises could be requisitioned which were intended to be let. Sir, as a result of this limitation many of the big garden houses, many of the houses which were occasionally used, say for one day in the year, those houses could not be requisitioned because those houses were not intended to be let. Sir, in fairness to those unfortunate people who have been forced to come over here, those people who have to leave their villages and come to the city in search of food, shelter, occupation and living—in fairness to those people it is hardly possible to spare those houses which are not intended to be let but which must now in the present circumstances be requisitioned to provide accommodation to the needy and the poor.

That is why, Sir, the definition is now being altered with a view to ensure that all houses which can reasonably be requisitioned can be requisitioned. That is one of the purposes of this amending Bill.

Secondly, Sir, it has been the experience of the Government that in many cases whenever the notice issues, the landlord often manages to induct tenants—not *bona fide* tenants but *mala fide* tenants—into the vacant house only to frustrate the requisition order. I have in mind one particular case where instead of the so-called tenant paying something to the landlord, the landlord paid something to the tenant, so that the house might look occupied, and the requisition order could not be given effect to. In order to prevent such *mala fide* practice another provision is being made whereby the Government can take such action as may be necessary to prevent occupation of any vacant premises which are proposed to be requisitioned.

Then, Sir, there was another very great lacuna in the law inasmuch as no provision was made regarding furniture. In the existing Act it is laid down that if the house, even if vacant, contains any furniture, that house

cannot be requisitioned. We have found big houses—three-storeyed buildings—vacant with only two or three broken chairs in one room in one storey with the result that the whole house could not be requisitioned. It was an obvious anomaly. Therefore a provision is being made that a house can be requisitioned even with furniture and if the landlord does not remove the furniture, those pieces of furniture can be used by the Government. That is another provision that is being sought to be made in the present amending Bill.

Lastly, Sir, there was no provision in the Act enabling the Collectors,—the Land Acquisition Collector in Calcutta and the District Collectors in the mufassal who are the authorised persons for house requisitioning—authorising these Collectors to use force, if necessary, while they are opposed by force. You know there is a provision in the Land Acquisition Act—I refer to section 47—which lays down that where the Collector is opposed in the execution of an order, he may take such action as he may think necessary to execute his order. Here it has been brought to our notice that in many cases deliberately the male members of the family remained upstairs and female members have been put forward by the male members. Even in many cases our officers have been assaulted and requisition could not take place. Where there are genuine, *bona fide* residents, Government is certainly not requisitioning those houses. That is a salutary principle which all Government must respect. But, Sir, in those cases where tenants, I would say so-called tenants, are residing only for a day or two in order only to frustrate the requisition order in this manner, I think the Collector should have sufficient power to execute the order. There is another provision in section 49 of the Land Acquisition Act which is being sought to be made in this amending Bill.

These are the four main changes which this Bill wants to introduce. There are certain other minor drafting changes only to improve the language or even some possible lacunae to which I need not refer. The honourable members may ponder over them and they will find that these minor changes are only changes of a drafting nature. I hope that in the interests of those who are not here of their own choice, who are forced to come here, and who are in this town to get accommodation, to get a roof over their heads, in the interests of those hapless people this House will agree to the passing of this measure, so that house requisitioning may be more effective.

Lastly I may add I am quite aware that this house requisitioning has much scope for improvement and with that view in mind we are proposing to set up a House De-requisitioning Board consisting of officials and non-officials and all such cases of de-requisitioning will be referred to this Board, as the Government may think fit. This House De-requisitioning Board will consider all applications that may be forwarded to them by aggrieved parties. We hope, Sir, that this De-requisitioning Board will be able to meet many of the grievances of the aggrieved parties. I am also happy to announce that eminent persons like Sri Nirmal Chandra Chunder, Sri J. K. Biswas and Sri Bijoy Singh Nahar have agreed to serve in this De-requisitioning Board on the non-official side. There are also officials there. I hope the public will take full advantage of this De-requisitioning Board which will be announced in a day or two, and all the difficulties and grievances should be brought to their notice and through that Board to the notice of the Government.

Sir, may I have your permission to move a short-notice amendment in order to substitute 1949 for 1948?

Mr. SPEAKER: It is not necessary, I think. It is consequential. You put it as 1949. I take it that the House has no objection.

(There was no objection.)

The motion of the Hon'ble Sri Bimal Chandra Sinha that the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Bill, 1949, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill, was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill, was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill, was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill, was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill, was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill, was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill, was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill, was then put and agreed to.

Clause 9.

The question that clause 9 do stand part of the Bill, was then put and agreed to.

Clause 10.

The question that clause 10 do stand part of the Bill, was then put and agreed to.

Clause 11.

The question that clause 11 do stand part of the Bill, was then put and agreed to.

Clause 12.

The question that clause 12 do stand part of the Bill, was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill, was then put and agreed to.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to move that the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Bill, 1949, as settled in the Assembly, be passed.

I am very thankful to the House for the ready approval it has given in this matter. I would again appeal to all sections of the House to co-operate with the House De-requisitioning Board and bring to their notice any difficulties that they might experience in this matter.

The motion of the Hon'ble Sri Bimal Chandra Sinha that the West Bengal Premises Requisition and Control (Temporary Provisions) Amendment Bill, 1949, as settled in the Assembly, be passed, was then put and agreed to.

The West Bengal Non-Agricultural Tenancy Bill, 1949.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to introduce the West Bengal Non-Agricultural Tenancy Bill, 1948.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to move that the West Bengal Non-Agricultural Tenancy Bill, 1949, be taken into consideration.

Mr. SPEAKER: I take it that the House accepts the figure "1949" in place of "1948".

(There was no objection.)

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, the Government of undivided Bengal appointed a committee, if I remember aright, in 1938, to examine the question of giving rights and regulating the relations between non-agricultural tenants and their landlords. Then the War intervened and the committee could finish its labour not earlier than 1941. The question of regulating the relations of the non-agricultural tenants and their landlords was held in abeyance for some time but in 1946 a Bill was introduced in the Bengal Legislative Assembly by the then Government which sought to give substantive rights to non-agricultural tenants and regulate their relations with their landlords. Sir, the Bill went into a Select Committee on which I had the honour to serve as a member of the then Opposition and the Select Committee reported on the Bill in 1947. In 1947 again the Bill was taken up by the House and it was gone through clause by clause and finally passed by the Bengal Legislative Assembly. It was then due to go to the Upper House, the Bengal Legislative Council, when the Partition took place. The Bengal Legislative Council was abolished and consequently the Bill lapsed. That was the history of the previous Bill and when the present West Bengal province came into being, this Bill was first published in the Gazette about a year ago, perhaps in January, 1948. But unfortunately again it could not be taken up for want of time till so long. The Bill seeks to confer rights on a class of tenants who are now so numerous and so unprotected. Now, Sir, as a result of this Bill not having been passed into an Act, we had to go on extending the life of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940, that now exists and in the last session of the Assembly we had passed an Act extending the life of the Temporary Provisions Act. But, Sir, I feel that just as the Bengal Tenancy Act regulates the rights of the agricultural tenants and their landlords and gives protection to the agricultural tenants, so far as non-agricultural tenants are concerned, the time has come when there should be substantive laws regulating their relations with their landlords and giving them such rights as they deserve. With this end in view, this Bill has now been framed and I am happy that the Assembly has found time to take up this measure which is long overdue. May I remind the House that this measure was thrashed out thoroughly

in the Assembly for undivided Bengal and almost all sections of the House were agreed on the main provisions. Therefore I expect, Sir, that even now all sections of the House will give their ready co-operation in placing this measure on the Statute Book thus giving due protection to all those non-agricultural tenants who are now without any substantive protection or without any substantive rights.

Sir, if you go through the contents of this Bill, you will find that for the purposes of this Bill non-agricultural tenants have been classified into two classes, viz.,

(*a*) tenants, and

(*b*) under-tenants, who may hold land for—

(1) homestead or residential purposes,

(2) manufacturing or business purposes, or other purposes.

The incidents of these tenancies have been divided into three broad categories having regard to the inception of such tenancies. If a non-agricultural tenancy has been held from before the commencement of the Transfer of Property Act, or if its origin is unknown, or if it has been held for a term of not less than 12 years, or under a lease in writing but no terms specified in such lease, or if the landlord has allowed pucca structure to be erected on the holding, then the tenant of such holding shall be entitled to use the land in any manner which is not inconsistent with the purpose of the tenancy and which does not materially impair the value of the land. Such a tenant shall have the power to erect any structure including any pucca structure, to dig any tank, and to enjoy all the benefits arising out of the lands. But he shall not be entitled to convert any land into a place of religious worship without the previous consent of the landlord. He shall not be ejected by his landlord except on the grounds specified in the Bill.

Where a non-agricultural land is held under a lease in writing for a term of not less than 12 years, the tenant shall, on the expiration of the period, be entitled to the option of successive renewal on fair and reasonable conditions as to rent. But no premium or *salami* shall be payable in respect of such renewal.

If any non-agricultural land has been held under a lease in writing for a term of more than one year but less than 12 years, or without any lease in writing, or under a lease in writing with no specified terms, then the tenant shall be liable to ejectment on one or more of the grounds specified in the Act.

Special provisions have been made for eviction of a tenant from his holding if it is used for any immoral, illegal and unsocial purpose or in any manner so as to become a source of grave danger to the public peace or public safety on payment of such consideration as may be determined by the Court. As regards enhancement of rent, the Bill provides that the rent payable by a tenant except in the case where the land is held on a fixed rent or free of rent, shall be liable to enhancement up to such limit as the Court thinks fair and equitable in the circumstances of the case, but so as not to exceed the rent previously payable by 12 per cent. and no rent enhanced by the Court shall be further enhanced during the 15 years next following the date on which it has been last so enhanced except on the ground of any improvement affected wholly or partly at the expense of the landlord during such period. The rent of a tenant may also be reduced by the Court if it considers that the rate of rent payable by the tenant is unfair and inequitable. In the scheme of the Bill the under-tenants have also been given the same rights corresponding to those of the three categories of tenants which I have already mentioned and a limitation to the enhancement of rent of an under-tenant has been placed and it has been provided that the rate of rent payable in respect of any holding of an under-tenant who has been admitted to occupation after commencement of the Act shall not,

except in the case where such land is held on a fixed rent or free of rent, exceed one and a half times the rate of rent payable by his immediate landlord in respect of such land. Provisions have been made in the Bill for preparation of a record-of-rights and settlement of rents in respect of all non-agricultural lands in any local area, estate or tenure or part thereof so that there may be no dispute about the rights of the tenants. The Bill also provides for conversion of agricultural lands within municipal areas in non-agricultural tenancies on application to the Collector by the tenant. There are certain provisions about the judicial procedure, method of filing appeals and instituting cases. These are matters of procedure and detail but do not affect the fundamental scheme of the Bill itself.

I have tried to give a brief outline of the Bill and I hope that it will find ready acceptance of this House, because the measure is not only long overdue but the measure ought to be immediately placed in the Statute Book to protect the interests of non-agricultural tenants all over the province.

The motion of the Hon'ble Sri Bimal Chandra Sinha that the West Bengal Non-Agricultural Tenancy Bill, 1949, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill, was then put and agreed to.

Clause 2.

Mr. SPEAKER: Mr. Walker.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, may I suggest that this clause be taken up tomorrow so that I may have a little more time to consider the amendments tabled by the House?

Mr. SPEAKER: Is it the desire of the House to adjourn now? (Pause). As there is no objection, I adjourn the House till 4 p.m. tomorrow.

Adjournment.

The House was accordingly adjourned at 5-57 p.m. till 4 p.m. on Wednesday, the 19th January, 1949, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 19th January, 1949, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 9 Hon'ble Ministers and 61 Members.

STARRED QUESTION

(to which oral answer was given)

Disparity in prices of rice within cordoned area and outside it.

***15. Sri ARDHENDU SEKHAR NASKAR:** অসামরিক সরবরাহ বিভাগের ভারপ্রাপ্ত মাননীয় মন্ত্রী মহাশয় অনুগ্রহপূর্ব্বক বলিবেন কি—

(১) যে, গভর্ণমেন্ট কর্ত্তৃক ধান্য ও চাউল সংগ্রহের উদ্দেশ্যে উহার চলাচল নিয়ন্ত্রণকল্পে যেসব অঞ্চল ঘেরাও (cordon) করা হইয়াছে তাহার অভ্যন্তরে ধান্য ও চাউলের যে দাম তাহা অপেক্ষা তাহার বাহিরে ধান্য ও চাউলের দাম অনেক বেশী কি না;

(২) ইহা কি সত্য যে, ২৪-পরগণার সুন্দরবন অঞ্চল যাহা কর্ডন অঞ্চলের অন্তর্ভুক্ত সেখানে মাঝারি (medium) ধান্যের দাম প্রতি মণের নিয়ন্ত্রিত মূল্য ৭৷৷৹ টাকা এবং উহার ঠিক অব্যবহিত বাহিরে যথা ক্যানিংএ বর্ত্তমান সেপ্টেম্বর মাসের মাঝামাঝি সময়ে উহার মূল্য অল্পাধিক ১২৲ টাকা এবং কোন কোন স্থানে উহার মূল্য প্রতি মণ ১৪৲ টাকা;

(৩) যে, কর্ডন অঞ্চলে ধান্যের যে দাম বাঁধিয়া দেওয়া হইয়াছে তাহা নিতান্ত কম কি না এবং তজ্জন্য ধান্যের নিয়ন্ত্রণ মূল্য সরকার বৃদ্ধি করিবেন কি না;

(৪) যে, কর্ডন অঞ্চলের অভ্যন্তরে ও বাহিরে ধান্যের দামের গুরুতর পার্থক্যের দরুণ নিয়ন্ত্রিত অঞ্চলের ধান্য উৎপাদনকারী চাষী সাধারণের মধ্যে তীব্র অসন্তোষের সৃষ্টি হইয়াছে কি না;

(৫) যে, উক্ত মূল্যপার্থক্যের জন্য কর্ডন অঞ্চলসমূহ হইতে ধান্যের বে-আইনী চালান বৃদ্ধি পাইতেছে কি না;

(৬) যে, কর্ডন অঞ্চলের ভিতরে ও বাহিরে ধান্যের দামের মধ্যে যাহাতে বিশেষ পার্থক্য না থাকে তজ্জন্য গভর্ণমেন্ট কিছু করা প্রয়োজন মনে করেন কি না; এবং

(৭) যে, ধান্যের দাম নির্দ্ধারণ অর্থাৎ উহা বৃদ্ধি করা বা কম করা বর্ত্তমানে মাত্র প্রাদেশিক সরকারের অভিপ্রায়ের উপর নির্ভর করে কি না?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Sri Prafulla Chandra Sen): (১) কর্ডন এলাকার মধ্যে ধানচালের যা দাম কর্ডন এলাকার বাহিরে তার চাইতে দাম কিছু বেশী।

(২) হাঁ।

(৩) (ক) কর্ডন অঞ্চলের দাম কম নয়, (খ) নিয়ন্ত্রণ মূল্য বাড়াইবার ইচ্ছা নাই। মুদ্রাস্ফীতি রোধ করতে হলে দর আর বাড়ান কোনও মতেই চলে না।

(৪) না। তবে বড় চাষী (large producers) দের মধ্যে অসন্তোষ হওয়া স্বাভাবিক কারণ তাঁহারা অধিক লাভ করিতে চান।

(৫) বে-আইনী চালান বন্ধ করবার সম্যক্ চেষ্টা করা হচ্ছে।

(৬) হাঁ, কর্ডন অঞ্চলের বাইরে প্রয়োজনবোধে modified rationing চালু করিয়া মোটামুটিভাবে মূল্যের সমতা রক্ষা করিবার চেষ্টা করা হয় এবং হইবে।

(৭) কেন্দ্রের সাথে পরামর্শ দরকার হয়।

Janab ABUL HASHEM : মাননীয় মন্ত্রীমহাশয়ের কি স্মরণ আছে যে কয়েক মাস পূর্বে কংগ্রেস Working Committeeর সভ্য, শ্রীযুক্ত পুরুষোত্তম যোশ মহাশয়ের সভাপতিত্বে বর্দ্ধমানেতে একটা রামচাষী কনফারেন্স হয়েছিল যাতে মাননীয় মন্ত্রী মহোদয়ও উপস্থিত ছিলেন এবং সেখানে সর্ব্ববাদিসম্মতিক্রমে ধান্যের মূল্য বৃদ্ধির জন্য প্রস্তাব গৃহীত হয়েছিল?

The Hon'ble Sri PRAFULLA CHANDRA SEN : হাঁ একটা সম্মিলন হয়েছিল তার নাম দেওয়া হয়েছিল পশ্চিমবঙ্গ ধানচাষী সম্মিলন। এই সম্মিলনের প্রথম দিনের অধিবেশনে আমি উপস্থিত ছিলাম এবং আমার উপস্থিত থাকা সময় সম্মিলনে কোন প্রস্তাব গৃহীত হয় নাই। তবে পরের দিন স্থানীয় মদন গোপাল টাউন হলে সম্মিলনের অধিবেশন হয়েছিল এবং আমি শুনেছি সেখানে কিছু কিছু প্রস্তাব গৃহীত হয়েছিল। মাননীয় সভ্য মহোদয়ের অবগতির জন্য জানাচ্ছি যে একবার পূর্বে দিল্লীতে ভারত গভর্ণমেণ্ট যে Food Conference করেছিলেন, সেখানে এই সিদ্ধান্ত গ্রহণ করা হয়, যে ধানের মূল্য (Government procurement) বাড়ানত হবেই না উপরন্তু চেষ্টা করতে হবে ধীরে ধীরে উহা কমাবার জন্য।

Janab Md. KHUDA BUKHSH : মাননীয় মন্ত্রীমহাশয় বলেছেন যে কেন্দ্র থেকে directive এসেছে ধানের দাম বাড়ান হবে না উপরন্তু চেষ্টা করতে হবে ক্রমে ক্রমে দাম কমাবার জন্য। কিন্তু মন্ত্রীমহোদয় কি বলতে চান যে এতে তিনি satisfied আছেন যে বাঙ্গলার চাষীর পক্ষে সেটা ন্যায়সঙ্গত হবে?

The Hon'ble Sri PRAFULLA CHANDRA SEN : চাষী বলতে যে কি বুঝা যায় তা আমি জানি না। কারণ আমরা যা কিছু procure করি তার মোটা অংশ procure করি সেই সব চাষীদের কাছ থেকে যারা ভাগে চাষ করে এবং বিনা খরচায় ধান যারা পায়। তাদের কাছ থেকে আমরা সবচেয়ে বেশী পরিমাণ ধান সংগ্রহ করি।

Janab Md. KHUDA BUKHSH : মাননীয় মন্ত্রীমহোদয় এই যে বললেন ভাগচাষী যারা যারা চাষ করেন, তারা বিনা খরচায় ধান ঘরে বসে পান এই statementএর correctnessএর সম্বন্ধে, মাননীয় মন্ত্রী মহাশয় সম্যক অবহিত আছেন কি?

The Hon'ble Sri PRAFULLA CHANDRA SEN : যারা ভাগে ধান চাষ করে, জমিদারের খাজনা ব্যতীত তারা অন্য আর কোন খরচা বহন করে না এবং ১৯৩৯ সালের পর থেকে জমিদারী খাজনার হার কিছু মাত্র বাড়েনি।

Janab Md. KHUDA BUKHSH: আপনি যদি মাননীয় মন্ত্রী মহোদয়কে বলি যে জমিদারের খাজনা ছাড়া বীজধান এবং বহিবার খরচা ঐ ভাগ চাষীদের জোতদারদের দিতে হয়, তাহলে তিনি কি এই statement contradict করতে প্রস্তুত আছেন?

The Hon'ble Sri PRAFULLA CHANDRA SEN : যেখানে চাষীরা, জোতদাররা কিছু কিছু খরচার অংশ বহন করে, সেখানকার সম্বন্ধে আমাদের গভর্ণমেণ্টের অন্য নীতি আছে। অবশ্য ক্রয় মূল্য একই।

Janab ABUL HASHEM : মাননীয় মন্ত্রীমহাশয় বল্‌লেন যে কেন্দ্রীয় সম্মেলনে ধান্যমূল্য ক্রমশঃ হ্রাস করার সম্বন্ধে প্রস্তাব গৃহীত হয়েছিল। তিনি কি সে সম্বন্ধে জানাবেন যে ধান্যের মূল্যের সঙ্গে অন্যান্য প্রয়োজনীয় দ্রব্যের সমতা রক্ষার জন্য কোন ব্যবস্থা গ্রহণ করা হয়েছে কি না?

The Hon'ble Sri PRAFULLA CHANDRA SEN : আমার বিশ্বাস ধান্যমূল্য কমার সঙ্গে সঙ্গে অন্যান্য দ্রব্যের মূল্য কমবে।

Janab ABUL HASHEM : মাননীয় মন্ত্রীমহাশয় বল্‌লেন যে ওঁর বিশ্বাস কিন্তু আমি বল্‌ছি ও সম্বন্ধে কোন প্রস্তাব বা পরিকল্পনা গৃহণ করা হয়েছে কিনা। যদি হয়ে থাকে তা কি?

The Hon'ble Sri PRAFULLA CAANDRA SEN : প্রস্তাবের প্রয়োজন নাই। ধান্যের দাম কম হলে অন্য জিনিষের দাম কমবে এটা স্বতঃসিদ্ধ।

Sri PRAMATHA NATH BANDOPADHAYA : মাননীয় মন্ত্রীমহাশয় অনুগ্রহ কোরে বল্‌বেন কি যে বাংলা দেশ ছাড়া উড়িষ্যা বা অন্যান্য প্রদেশে, সেখানে ধান হয়, সেই সব জায়গায় ধান্যমূল্য কমাবার জন্য ইণ্ডিয়া গভর্ণমেণ্টের directive মত কার্য্য করা হচ্ছে কি?

The Hon'ble Sri PRAFULLA CHANDRA SEN : যে খাদ্য কন্‌ফারেন্স হয়েছিল তাতে প্রত্যেক প্রদেশের সরবরাহ মন্ত্রী উপস্থিত ছিলেন; তাঁরা সকলেই স্বীকার করেছেন যে procurement price কমাতে হবে।

Sri PRAMATHA NATH BANDOPADHAYA : উড়িষ্যার ধান্যমূল্য কত তা মাননীয় মন্ত্রীমহাশয়ের জানা আছে কি?

The Hon'ble Sri PRAFULLA CHANDRA SEN : উড়িষ্যার ধান্যমূল্য বাংলার চেয়ে কিছু কম।

Sri PRAMATHA NATH BANDOPADHAYA : বিহারের ধান্য মূল্য কত?

The Hon'ble Sri PRAFULLA CHANDRA SEN : বিহারের ধান্যমূল্য বাংলার চেয়ে আট আনা বেশী।

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Seed Stores in the Province.

6. Sri ANNADA PROSAD CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*i*) the number of employees engaged in running the seed stores and the annual cost of conducting the same during the last three years in the districts of West Bengal;

(*ii*) the total turn-over in these seed stores during the same years;

(*iii*) whether, in addition to the expenditure on the maintenance of the staff, any loss was incurred in the running of the seeds purchase and distribution scheme in these districts and, if so, the amounts of such loss that had to be met by Government, year to year, during the last three years; and

(*iv*) whether Government have any scheme for the study of and the introduction in this Province of any system of seed storing and distribution similar to the credit Agricol system pursued in the Province of Bihar?

(*b*) If the answer to (*a*)(*iv*) is in the affirmative, when do Government propose to introduce such scheme in West Bengal?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Sri Jadabendra Nath Panja): (*a*)(*i*) In the pre-Partition period we had 212 seed stores for which we had 212 agricultural overseers, 424 chowkidars and 212 store-keepers.

After Partition we have been left with 89 seed stores for which we now have 52 agricultural overseers, 34 agricultural demonstrators, 3 assistant inspectors, 178 chowkidars and 89 store-keepers.

Cost of running the seed stores (Undivided Bengal)—

	Rs.
1945-46	3,33,120
1946-47	3,65,520
1947-48—	
Pre-Partition period	1,88,526
Post-Partition period (West Bengal)	1,26,452

(*ii*) A statement giving the desired figures is laid on the Table.

(*iii*) Loss incurred in distribution of seeds—

	Rs. as. p.
1945-46	1,98,767 11 9
1946-47	4,36,779 11 0
1947-48—	
Pre-Partition.—The figures may not be furnished as relevant records are not available as a result of the Partition.	
Post-Partition (West Bengal)	39,806

(*iv*) The question of replacing seed stores by growers' multi-purpose co-operative organisations is under active consideration of Government.

(*b*) Does not arise.

Statement referred to in reply to clause (ii) of clause (a) of unstarred question No. 6.

	Purchased.	Distributed.
	Mds.	Mds.
1945-46.		
Paddy	191,791	177,200
Rabi and fodder seeds	94,857	85,298
Fertiliser and oilcakes	29,371 tons	18,863 tons.
Iron and steel	5,500 „	1,153 „
1946-47.		
Paddy	189,890	176,048
Rabi and fodder seeds	95,764	81,966
Fertiliser and oilcakes	28,805 tons	22,920 tons.
Iron and steel	2,000 „	2,484 „
1947-48.		
Rabi seeds	8,407	5,884
Oilcakes	130,000	66,912
Bonemeal	1,650 tons	503 tons.
Chemical fertilisers	5,874 „	2,645 „
Iron and steel	1,800 „	800 „

Appointed retailers at Darjeeling.

7. Sri BASANTLAL MURARKA: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact—

(*i*) that all the 43 appointed retailers at Darjeeling were served with notice, dated 8th March, 1948, to appear before the Deputy Commissioner, Darjeeling, on March 10 and 12, 1948, to show cause why their appointments should not be cancelled with immediate effect; and

(*ii*) that they were asked certain questions verbally and had to answer them verbally?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what has been the result of such interviews?

The Hon'ble Sri PRAFULLA CHANDRA SEN: (*a*) Yes.

(*b*) Out of the 43 appointed retailers, 15 were found unsuitable for retention on grounds of prosecution and/or convictions for rationing offences, lack of financial stability, etc.

Point of Privilege.

Janab MD. KHUDA BUKHSH: On a point of privilege, Sir. I have read with deep concern and anxiety the news of the death of four persons and injuries to numerous others directly as a result of police action in the College Street area yesterday. Sir, in grave happenings such as these it is the privilege of members of the minority groups of this House to table adjournment motions and criticise the actions of the police and the Government and through such motions seek to obtain a correct appreciation of the situation. But, Sir, an adjournment motion tabled yesterday was disallowed by you on the ground that the Government claimed that the subject-matter of the adjournment motion was *sub judice*.

Sir, I bowed down to your ruling yesterday and I refer to it today not in any spirit of challenging your decision. Sir, I appreciate that it is not possible for the Hon'ble Speaker to reject the statement of the Hon'ble Leader of the House outright. The Hon'ble the Leader of the House perhaps confused the issues and declared before the House that *lathi* charges, tear gassing by the police, as also arrests of the refugees were *sub judice*. I would most humbly submit that what is *sub judice* is the conduct and behaviour of the refugees and not the conduct and behaviour of the police. And this is precisely what the adjournment motion sought to discuss. I would, therefore, contest the statement of the Hon'ble the Leader of the House and would still maintain that the *lathi* charges and the tear-gassing by the police on the processionists is not *sub judice*, and can therefore be discussed in this House. In this connection, Sir, I would humbly refer you to a decision of this honourable House when under similar circumstances the Hon'ble the Speaker ruled that if it later transpired that the statement of the Hon'ble the Leader of the House was wrong, he would be pleased to waive the urgency and allow the mover of the adjournment motion to renew his application. Sir, the attitude of the Government has caused grave apprehension in the minds of the minority groups in this House. I feel that they can gag the opposition by taking recourse to this unworthy ruse of declaring everything *sub judice to* prevent debates. I would, therefore, most humbly request you to give us a comprehensive ruling indicating what will and what will not be treated as *sub judice* for our future guidance—a ruling that we can follow in tabling adjournment motions.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I think the honourable member has been labouring under a serious misconception. Certain incidents are alleged to have taken place. Arising out of those

incidents arrests have taken place and the whole matter has gone before the courts of law, and, Sir, in the course of the enquiry in the courts of law the whole incident bearing on the arrests and whatever has happened—all that will have to be ascertained by the courts—both the facts and alleged incidents which have taken place as well as the guilt or otherwise of the persons concerned. Therefore, Sir, there is no parcelling out the incidents into water-tight compartments in respect of different aspects. The entire matter *is sub judice* and, therefore, after your ruling has been given, it could not be discussed at all, and I think that with propriety no question of privilege arises in this connection as has been sought to be made out by the honourable member.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I do not happen to be a lawyer. My friend there is trying to make a—as you say in Bengali—*chulchera bichar*. What is it that is before the Court? It is not merely that a few men have been arrested; why they have been arrested; what were they doing? In the course of the proceedings of the Court, all these matters will be discussed. We do not want to prejudice anybody and that is the reason why this rule has been made. We do not want to preujdice either the prosecution or the defence by making statements and counter-statements here, but to satisfy my friend here I may tell him that I shall issue a press statement this afternoon in which everything will be stated—everything that a person wants to know about the incidents, not only of that day but of the happenings of yesterday. In this connection I may refer to one rumour, a vague one that I have heard, that some prominent individuals have been carrying on whispering campaign or probably spoken campaign that on the 15th of January two women and a child had been killed by the police and that the persons concerned had seen the dead bodies. I think we are all living under a delusion. No firing was done on the 15th of January except tear-gassing.

Janab MD. KHUDA BUKHSH: On the 14th and not on the 15th.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Yes, it was on the 14th morning; I stand corrected. And if there was no firing done at all, how could three persons be killed. That is a sort of malicious, I would not call it malicious, that is a careless purveying of news that really upsets persons, and, therefore, all these matters could only be properly put before the public after we get something new from the different parties which have witnessed the incidents either of yesterday or of the other day, and it was immature or rather premature apart from the technical portions of the law that we should discuss this on the floor of this House. It is therefore that I objected at that stage to taking up consideration of that particular motion. I do not think I have either transgressed the letter of the rule nor have I made any statement which I am not prepared to put forward and prove that every word of what I have said is correct.

Janab ABUL HASHEM: You could have made the statement here.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I will not take my cue either from my friends here or from my friends there. I know what to do and when.

Mr. SPEAKER: I have heard the point of privilege raised by my honourable friend Janab Khuda Bukhsh. The position is quite clear. If he refers to rule 88 of our rules, he will find that the adjournment motion must not deal with a matter on which a resolution could not be moved. Then I shall refer to rule 78 which mentions that no resolution shall refer to any matter which is under adjudication by a court of law. Therefore, I have got to carry on the business of the House subject to the rules which have been framed by the House, and no member need be under any misapprehension whatsoever that their privileges are going to be stifled in any way. If I can stretch a point in favour of the opposition, I should like to stretch it in their

favour, but I cannot override the clear provisions of our rules. Now I have seen the minutes of yesterday's business in this House, and I find that the Hon'ble the Leader of the House expressly stated that the question of *lathi* charge, tear-gassing by the police and mass arrest is before the court. The Leader of the House has made a statement upon which I have got to rely. Whenever it is a question of a statement against another statement, the statement made by the gentleman who is in the know of things can be relied upon.

Janab ABUL HASHEM: But he has said that he is ignorant of law.

The Hon'ble Dr. BIDHAN CHANDRA ROY: But not of facts.

Mr. SPEAKER: If my friend can satisfy that his statement is not correct or that his statement is made under some misapprehension, I would follow the ruling which was given by Sir Azizul Haque, namely, that if he can satisfy me that the statement is incorrect, I will waive the question of delay and I will permit the motion to come on, provided it is otherwise allowable under rules.

Janab MD. KHUDA BUKHSH: Thank you, Sir.

Mr. SPEAKER: So far as law is concerned, I am giving you this assurance again that subject to the rules made by this House itself, I am not going to stifle in any way the privileges of the opposition. They will be under my care more than the members of the Treasury Benches.

Janab MD. KHUDA BUKHSH: Sir, I rise to thank you for your wise ruling and to point out that if you would refer to the minutes of yesterday's meeting—as you were pleased to refer to the minutes of yesterday—you will observe that the Hon'ble the Leader of the House included tear-gassing as well as *lathi* charge as a subject of an enquiry by court. Would it be possible for the Chair to find out from the Hon'ble the Leader of the House and satisfy itself that they are under enquiry by a competent court of law? If not, Sir, as you have yourself said in your wise ruling, it would be permissible for the mover of the adjournment motion to renew his application.

Mr. SPEAKER: So far as the question raised by the honourable member is concerned, I regret I cannot reopen that question on my own motion. If my friend can satisfy that the statement made by the Leader of the House is incorrect then this question will be considered. Otherwise *suo motu*, I do not think, having disposed of the matter yesterday, I shall be justified in taking the initiative myself.

GOVERNMENT BILLS.

The West Bengal Non-Agricultural Tenancy Bill, 1949.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

Sri D. N. MUKHERJI: Sir, I beg to move that in paragraph (*c*) of clause 5, line 1, the words "religious or" be omitted.

I also beg to move that in paragraph (*c*) of clause 5, line 4, the words "for a religious purpose or" be omitted.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept both the amendments.

The motions were then put and agreed to.

The question that clause 5 as amended do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 do stand part of the Bill was then put and agreed to.

New Clause 9A.

Mr. C. E. CLARKE: Mr. Speaker, Sir, I beg to move that after clause 9 the following new clause be inserted, namely:—

"9A—When any non-agricultural land has been held by a tenant since before the commencement of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940—

(*a*) without a lease in writing, or

(*b*) under a lease in writing and the time limited by such lease has expired either before such commencement or at any time during the period the said Act has been in force and the tenant has continued to hold such land during such period, or,

(*c*) under a lease in writing but no term is specified in such lease, then in calculating for the purposes of sections 7 and 8 the period for which such land has been held by such tenant in the case where the land has been held under a lease in writing and time limited by such lease has expired at any time during the continuance in force of the said Act, the period for which such land has been held during such continuance after the expiration of the time limited by such lease and, in other cases, the period for which the said Act has been in force shall be excluded."

Mr. Speaker, Sir, the House will be well aware that during the period that the measure before the House has been under consideration, a Temporary Provisions Act has been in force, introduced in 1940. Its purpose was to protect the tenants from landlords who wished to take advantage of their existing powers of eviction before the introduction of the permanent legislation. It debarred the landlords from evicting a tenant of any status except on the grounds of failure to pay an arrear of rent. Its continuous period of operation by successive extensions totalled 9 years. Under the present

measure which we are considering certain rights detailed in clauses 7 and 8 are acquired by any tenant who is in possession of his tenancy for not less than 12 years. The most important of these is the privilege of security against eviction except for misuser. Accordingly a tenant who had been in possession for 3 years before the introduction of the Temporary Provisions Act has now, in spite of anything which the landlord could do since 1940, acquired by default permanent rights of occupation. His status may be wholly unsuitable for the permanent relations between landlord and tenant. The landlord may have never intended to allow him so long an occupation. He may have justifiably wished to acquire the property for his own purpose, but has been unable to resume during the temporary legislation and now will be debarred in perpetuity. It is only just that such a situation should be prevented from arising as it has almost unintentionally and clause 9A is intended to meet this requirement. I therefore move my amendment for the consideration of the House.

The Hon'ble Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I have considered very carefully the amendment moved by Mr. Clarke. It appears that the whole point of his amendment is that, in calculating the total period of tenancy, the period of tenancy during the operation of the (Temporary Provisions) Act, should be left out. That is perhaps the idea of his amendment. If Mr. Clarke will refer to clause 89 of the Bill, there he will find that provisions have been laid down that in computing the period for the purpose of the execution of a decree for ejectment or for the institution of a suit the period during which the Temporary Provisions Act continued in force shall be excluded. I admit, Sir, that perhaps there is a lacuna in that section. It does not perhaps cover those cases where there is no possibility of any suit or of any decree being executed. What would happen in such cases is the question. Well, I think we might correct that lacuna by suitably amending section 89 and if that section is amended in that way I think it would not be necessary to accept any amendment here as Mr. Clarke suggests and such a correction there will serve the purpose of the amendment of Mr. Clarke. I hope this explanation will satisfy Mr. Clarke and he will, if he thinks this amendment to be necessary, withdraw this amendment.

The motion of Mr. C. E. Clarke that after clause 9 the following new clause be inserted, namely:—

"9A. When any non-agricultural land has been held by a tenant since before the commencement of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940—

(*a*) without a lease in writing, or

(*b*) under a lease in writing and the time limited by such lease has expired either before such commencement or at any time during the period the said Act has been in force and the tenant has continued to hold such land during such period, or

(*c*) under a lease in writing but no term is specified in such lease,

Then in calculating for the purposes of sections 7 and 8 the period for which such land has been held by such tenant in the case where the land has been held under a lease in writing and time limited by such lease has expired at any time during the continuance in force of the said Act, the period for which such land has been held during such continuance after the expiration of the time limited by such lease and, in other cases, the period for which the said Act has been in force shall be excluded."

was then put and lost.

Clause 10.

The question that clause 10 do stand part of the Bill, was then put and agreed to.

Clause 11.

Sri D. N. MUKHERJI: Sir, I beg to move that in sub-clause (*1*) of clause 11, line 2, the word "not" be omitted.

Sir, I beg also to move that in sub-clause (*1*) of clause 11, lines 5 and 6, for the words "otherwise than as provided by this Act" the words "as provided by this Act and not otherwise" be substituted.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, the amendments suggested by Mr. Mukherji are verbal and are only drafting improvements. I accept them.

The motion of Sri D. N. Mukherji that in sub-clause (*1*) of clause 11, line 2, the word "not" be omitted, was then put and agreed to.

The motion of Sri D. N. Mukherji that in sub-clause (*1*) of clause 11, lines 5 and 6, for the words "otherwise than as provided by this Act" the words "as provided by this Act and not otherwise" be substituted, was then put and agreed to.

The question that clause 11, as amended, do stand part of the Bill, was then put and agreed to.

Clause 12.

The question that clause 12 do stand part of the Bill, was then put and agreed to.

Clause 13.

The question that clause 13 do stand part of the Bill, was then put and agreed to.

Clause 14.

Sri D. N. MUKHERJI: Sir, I beg to move that in sub-clause (*1*) of clause 14, line 3, after the words "the ground of" the word "the" be inserted.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept it.

The motion was then put and agreed to.

The question that clause 14, as amended, do stand part of the Bill, was then put and agreed to.

Clause 15.

The question that clause 15 do stand part of the Bill, was then put and agreed to.

Clause 16.

The question that clause 16 do stand part of the Bill was then put and agreed to.

Clause 17.

The question that clause 17 do stand part of the Bill was then put and agreed to.

Clause 18.

The question that clause 18 do stand part of the Bill was then put and agreed to.

Clause 19.

The question that clause 19 do stand part of the Bill was then put and agreed to.

Clause 20.

The question that clause 20 do stand part of the Bill was then put and agreed to.

Clause 21.

The question that clause 21 do stand part of the Bill was then put and agreed to.

Clause 22.

Sri D. N. MUKHERJI: Sir, I beg to move that for clause 22 the following be substituted, namely:—

"Special incidents of tenancies of under-tenants.

22. Notwithstanding anything contained in any other law for the time being in force or in any contract, in the case of the tenancy of an undertenant—

(*a*) the provisions of section 10 shall apply; and

(*b*) where—

(*i*) the conditions referred to in clause (*1*), (*2*), (*3*), (*4*) or (*5*) of section 7 are fulfilled, or

(*ii*) the tenancy is held under a lease in writing for a term of not less than twelve years specified in such lease,

the under-tenant shall have all the rights and liabilities of a tenant as set forth in section 7 or section 8 as the case may be, and the provisions of sections 6, and 11 to 15 shall, and the provisions of sections 18, 19 and 20, in so far as they are inconsistent with the provisions of this section, shall not apply."

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept the amendment.

The motion was then put and agreed to.

Mr. SPEAKER: I take it, Mr. Clarke, you are not moving your amendment?

Mr. C. E. CLAKE: No, Sir, I shall move it.

Mr. SPEAKER: All right.

Mr. C. E. CLARKE: Mr. Speaker, Sir, I beg to move that the following proviso be added to clause 22, namely:—

"Provided that for any right arising under this section as a result of occupation of a non-agricultural tenancy for a period of twelve years such period shall not have been deemed to commence from a date earlier than the date on which this Act comes into force."

My arguments, Mr. Speaker, are very similar to those contained in my former amendment. Casual tenants may acquire, without opportunity of redress from superior tenure-holders, permanent occupancy. We do not desire to be unfair to the under-tenants but this amendment is moved to protect land-owners who have in mind development of their lands other than for casual occupants. Accordingly this amendment proposes a proviso to clause 22 that the "calculation of the period of twelve years by which an under-tenant acquires certain rights relating to permanent occupation as provided in clause 22 from before the commencement of this Act" shall be excluded. I think this is a very fair amendment, Mr. Speaker, and I place it before the House for their sympathetic consideration.

The Hon'ble Sri BIMAL CHANDRA SINHA: Mr. Speaker, Sir, I am very sorry that it is not possible for Government to accept the amendment. The object of this amendment is that in computing the period of tenancy any

period of occupation before the commencement of this Act shall not be taken into consideration. Then what would be the case? Supposing a tenant has been on the land for, say, three years before the commencement of the Act and if this proviso is accepted, then he will have to continue for another 12 years, and not for 9 years more to get the rights that he is entitled to enjoy under the provisions of the Act. The result will be that the period of occupation before this Act came into operation will not be taken into consideration. I think that would be a measure that will fall very harshly on the tenants and under-tenants. Therefore I am very sorry that in the interest of those who are being given right under this Act it is not possible to accept this amendment.

The motion of Mr. C. E. Clarke that the following proviso be added to the new clause 22, namely:—

"Provided that for any right arising under this section as a result of occupation of a non-agricultural tenancy for a period of 12 years such period shall not have been deemed to commence from a date earlier than the date on which this Act comes into force."

was then put and lost.

The question that clause 22, as amended, do stand part of the Bill was then put and agreed to.

Clause 23.

The question that clause 23 do stand part of the Bill was then put and agreed to.

Clause 24.

Sri D. N. MUKHERJI: Sir, I beg to move that for sub-clause (*1*) of clause 24, excluding the proviso, the following be substituted, namely:—

"(*1*) If the entire non-agricultural land in a non-agricultural tenancy is transferred, the immediate landlord, or if a portion or share of such land is transferred, the immediate landlord or one or more co-sharer tenants of such land may, within four months of the service of notice issued under section 23, apply to the Court for such land or portion or share thereof to be transferred to himself or themselves as the case may be:"

I further beg to move that in paragraph (*a*) of the proviso to sub-clause (*1*) of clause 24, line 1, for the words "the co-sharer tenant" the words "a co-sharer tenant" be substituted.

The Hon'ble Sri BIMAL CHANDRA SINHA: I accept the amendments moved by Mr. Mukherji.

The motions were then put and agreed to.

The question that clause 24, as amended, do stand part of the Bill was then put and agreed to.

Clause 25.

The question that clause 25 do stand part of the Bill was then put and agreed to.

Clause 26.

The question that clause 26 do stand part of the Bill was then put and agreed to.

Clause 27.

The question that clause 27 do stand part of the Bill was then put and agreed to.

Clause 28.

The question that clause 28 do stand part of the Bill was then put and agreed to.

Clause 29.

The question that clause 29 do stand part of the Bill was then put and agreed to.

Clause 30.

The question that clause 30 do stand part of the Bill was then put and agreed to.

Clause 31.

The question that clause 31 do stand part of the Bill was then put and agreed to.

Clause 32.

The question that clause 32 do stand part of the Bill was then put and agreed to.

Clause 33.

The question that clause 33 do stand part of the Bill was then put and agreed to.

Clause 34.

The question that clause 34 do stand part of the Bill was then put and agreed to.

Clause 35.

The question that clause 35 do stand part of the Bill was then put and agreed to.

Clause 36.

The question that clause 36 do stand part of the Bill was then put and agreed to.

Clause 37.

The question that clause 37 do stand part of the Bill was then put and agreed to.

Clause 38.

The question that clause 38 do stand part of the Bill was then put and agreed to.

Clause 39.

The question that clause 39 do stand part of the Bill was then put and agreed to.

Clause 40.

The question that clause 40 do stand part of the Bill was then put and agreed to.

Clause 41.

The question that clause 41 do stand part of the Bill was then put and agreed to.

Clause 42.

The question that clause 42 do stand part of the Bill was then put and agreed to.

Clause 43.

The question that clause 43 do stand part of the Bill was then put and agreed to.

Clause 44.

The question that clause 44 do stand part of the Bill was then put and agreed to.

Clause 45.

The question that clause 45 do stand part of the Bill was then put and agreed to.

Clause 46.

The question that clause 46 do stand part of the Bill was then put and agreed to.

Clause 47.

The question that clause 47 do stand part of the Bill, was then put and agreed to.

Clause 48.

The question that clause 48 do stand part of the Bill was then put and agreed to.

Clause 49.

The quetion that clause 49 do stand part of the Bill was then put and agreed to.

Clause 50.

The question that clause 50 do stand part of the Bill was then put and agreed to.

Clause 51.

Sri D. N. MUKHERJI: Sir, I beg to move that in sub-paragraph (*iii*) of paragraph (*b*) of sub-clause (*2*) of clause 51, line 2, for the word "names" the word "name" be substituted.

The Hon'ble Sri BIMAL CHANDA SINHA: I accept it.

The motion was then put and agreed to.

The question that clause 51, as amended, do stand part of the Bill, was then put and agreed to.

Clause 52.

The question that clause 52 do stand part of the Bill was then put and agreed to.

Clause 53.

The question that clause 53 do stand part of the Bill was then put and agreed to.

Clause 54.

The question that clause 54 do stand part of the Bill was then put and agreed to.

Clause 55.

The question that clause 55 do stand part of the Bill was then put and agreed to.

Clause 56.

The question that clause 56 do stand part of the Bill was then put and agreed to.

Clause 57.

The question that clause 57 do stand part of the Bill was then put and agreed to.

Clause 58.

The question that clause 58 do stand part of the Bill was then put and agreed to.

Clause 59.

The question that clause 59 do stand part of the Bill, was then put and agreed to.

Clause 60.

The question that clause 60 do stand part of the Bill, was then put and agreed to.

Clause 61.

The question that clause 61 do stand part of the Bill, was then put and agreed to.

Clause 62.

The question that clause 62 do stand part of the Bill was then put and agreed to.

Clause 63.

The question that clause 63 do stand part of the Bill was then put and agreed to.

Clause 64.

The question that clause 64 do stand part of the Bill was then put and agreed to.

Clause 65.

The question that clause 65 do stand part of the Bill was then put and agreed to.

Clause 66.

The question that clause 66 do stand part of the Bill was then put and agreed to.

Clause 67.

The question that clause 67 do stand part of the Bill was then put and agreed to.

Clause 68.

The question that clause 68 do stand part of the Bill was then put and agreed to.

Clause 69.

The question that clause 69 do stand part of the Bill was then put and agreed to.

Clause 70.

The question that clause 70 do stand part of the Bill was then put and agreed to.

Clause 71.

The question that clause 71 do stand part of the Bill was then put and agreed to.

Clause 72.

The question that clause 72 do stand part of the Bill was then put and agreed to.

Clause 73.

The question that clause 73 do stand part of the Bill was then put and agreed to.

Clause 74.

The question that clause 74 do stand part of the Bill was then put and agreed to.

Clause 75.

The question that clause 75 do stand part of the Bill was then put and agreed to.

Clause 76.

The question that clause 76 do stand part of the Bill was then put and agreed to.

Clause 77.

The question that clause 77 do stand part of the Bill was then put and agreed to.

Clause 78.

The question that clause 78 do stand part of the Bill was then put and agreed to.

Clause 79.

The question that clause 79 do stand part of the Bill was then put and agreed to.

Clause 80.

The question that clause 80 do stand part of the Bill was then put and agreed to.

Clause 81.

The question that clause 81 do stand part of the Bill was then put and agreed to.

Clause 82.

The question that clause 82 do stand part of the Bill was then put and agreed to.

Clause 83.

The question that clause 83 do stand part of the Bill was then put and agreed to.

Clause 84.

The question that clause 84 do stand part of the Bill was then put and agreed to.

Clause 85.

The question that clause 85 do stand part of the Bill was then put and agreed to.

Clause 86.

The question that clause 86 do stand part of the Bill was then put and agreed to.

Clause 87.

The question that clause 87 do stand part of the Bill was then put and agreed to.

Clause 88.

The question that clause 88 do stand part of the Bill was then put and agreed to.

Clause 89.

The question that clause 89 do stand part of the Bill was then put and agreed to.

New Clause 89A.

Sri D. N. MUKHERJI: Sir, I beg to move that after clause 89 the following new clause be inserted, namely:—

Computation of the period for which non-agricultural land has been held in certain cases.

"89A. If any non-agricultural land has been held by a tenant from before the commencement of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940—

(*a*) under a lease in writing and the time limited by such lease has expired either before such commencement or at any time during the period the said Act has been in force and the tenant has continued to hold such land during such period, or

(*b*) under a lease in writing but no term is specified in such lease, or

(*c*) without a lease in writing,

then, in calculating for the purposes of sections 7 and 9, the period for which such land has been held by such tenant—

(*i*) in the case where the land has been held under a lease in writing and the time limited by such lease has expired at any time during the continuance in force of the said Act, the period for which such land has been held during such continuance after the expiration of the time limited by such lease, and

(*ii*) in other cases, the period for which the said Act has been in force,

shall be excluded."

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I accept this amendment as it seeks to clear up any lacuna that might exist in the draft clause 89. Clause 89 seeks to exclude the period of tenancy during which the (Temporary Provisions) Act, 1940, continued in force, in computing the period for the execution of a decree or for the institution of a suit but it

does not say anything where both these things do not materialise, viz., execution of a decree or the institution of a suit. In view of this lacuna this amendment has been brought in and I accept the same.

The motion of Sri D. N. Mukherji that after clause 89 the following new clause be inserted, namely:—

Computation of the period for which non-agricultural land has been held in certain cases.

"89A. If any non-agricultural land has been held by a tenant from before the commencement of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940—

(*a*) under a lease in writing and the time limited by such lease has expired either before such commencement or at any time during the period the said Act has been in force and the tenant has continued to hold such land during such period, or

(*b*) under a lease in writing but no term is specified in such lease, or

(*c*) without a lease in writing,

then, in calculating for the purposes of sections 7 and 9, the period for which such land has been held by such tenant—

(*i*) in the case where the land has been held under a lease in writing and the time limited by such lease has expired at any time during the continuance in force of the said Act, the period for which such land has been held during such continuance after the expiration of the time limited by such lease, and

(*ii*) in other cases, the period for which the said Act has been in force,

shall be excluded."

was then put and agreed to.

Clause 90.

The question that clause 90 do stand part of the Bill was then put and agreed to.

Clause 91.

The question that clause 91 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

In Vol. IV, page 55, line 36, for the figures "1948" read "1949".

.....ment (Special Courts) Bill, 1949.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I beg to introduce the West Bengal Criminal Law Amendment (Special Courts) Bill, 1949.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I beg to move that the West Bengal Criminal Law Amendment (Special Courts) Bill, 1949, be taken into consideration.

Sir, the facts and circumstances which necessitate the introduction of this Bill are as follows:—

In June 1948 the Provincial Government were informed that a large number of cases instituted by the special police establishment were pending in various courts in West Bengal. The special police establishment, Sir, is an establishment of the Government of India which deals with corruption-cases within this Province. Experience had shown that the progress made in the special police establishment cases in ordinary courts was very slow due to the pressure on the time of such courts which have to deal with a large number of others cases. The Government of India therefore suggested that in the interest of quick disposal of these cases a Special Magistrate should be appointed exclusively for the trial of special police establishment cases with his headquarters in Calcutta and with jurisdiction to try special police establishment cases throughout the Province of West Bengal including the Presidency Town of Calcutta. This Government examined the proposal and advised the Government of India that a Special Magistrate in this Province would have no higher powers than those conferred under section 32 of the Criminal Procedure Code and he can, at the most, inflict a sentence of two years' rigorous imprisonment and a fine of Rs. 1,000 only. He would not also be able to utilise the Special Rules of Procedure and Evidence which have so far been found to be necessary for the successful prosecution of such cases. On receipt of this comment the Government of India considered the matter and informed this Government in November last that the appointment of such a Special Magistrate would not achieve the end which the Government of India had in view and which view is shared by this Provincial Government. They suggested that the end might be achieved by the appointment of a Tribunal under the West Bengal Criminal Law Amendment Act, 1947 (West Bengal Act VII of 1947), but consisting of only one officer and not of three officers as required by the said Act. They suggested that section 3 of the West Bengal Act VII of 1947 be amended so as to permit the constitution of a Tribunal consisting of one officer only. The Government of India were not in favour of making over the cases to the existing tribunal of three judges under the West Bengal Act VII of 1947 and asked this Government not to allot any more cases to that Tribunal as that Tribunal had already been overloaded with work and cases had been dragging on for a very long time. This Government considered that, instead of amending the West Bengal Act VII of 1947, it would be better to introduce in the Legislature a Bill of a fairly comprehensive nature. A new Bill called the West Bengal Criminal Law Amendment (Special Courts) Bill, 1949, was accordingly drafted which has been introduced and is now before the House for consideration. This Bill is based more or less on the West Bengal Act VII of 1947. According to that Act three Judges are required to constitute a Special Tribunal whereas the same powers will be exercised by one Judge called a special Judge under the new Bill and the Schedule of offences which these special courts will try have already been shown with the Bill. I therefore think, Sir, that everybody in this House will welcome this Bill as making provision for speedy trial of such cases and for inflicting adequate punishment which end would not be met by the ordinary provisions of punishment in our Criminal Law. I therefore hope, Sir, everybody will extend his support to the measure proposed.

There is already a large number of cases which have been delayed, and we have halted our hands so as not to allow those cases to be allotted to the existing tribunals in order to be delayed, for it is well known that whenever long delays take place, it becomes difficult to collect evidences and adduce them before courts of law. We know that offences committed were committed in circumstances which become all the more difficult as a result of partition. Therefore it is necessary that to special courts at one centre will be alloted cases which are spread all over the province to be speedily disposed of.

With these words I commend this motion to the acceptance of the House.

Janab ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I consider this extension of the powers of the existing Government against the rights of the citizens, as a sad encroachment. I do not see any reason why the normal law, as it exists, cannot meet the difficulties which the Hon'ble Minister has tried to explain to us in rather a vague manner. Delays, Sir, are associated, particularly in our country, with legal proceedings but if the Government is keen on having justice done and the culprits punished, I see no reason why ordinary courts and Magistrates should not be allowed to do this. The Hon'ble Minister should also take into consideration the possibilties of extra expenditure on this score. I do not know the word very properly, but a tribunal consisting of three judges seems to be etymologically reasonable, but a tribunal of one will, if the lawyers for defence and prosecution wish to delay, be bound to carry on in the old manner and spirit. He may be able to tell the judge to hurry on, but I do not think he has power to tell the lawyers that they should also hurry up. I personally feel that the delays to which we have got accustomed were due more to certain political influences In cases before the special tribunals things have hung on and on —in one case especially for over two years and in the other perhaps for over one year. Now I do not know what remedy the Hon'ble Minister will find to save time

Another point which I would like him to explain to us is whether this tribunal, he is trying to establish tonight, will be of a temporary nature or will be a permanent part of the system of administration of justice in West Bengal because, as he said, due to efflux of time it is difficult to get evidence and to get witnesses. Would this tribunal judge only such cases as have occurred in the past, of a particular character and of a particular type or this tribunal will be one more addition to the many magistrates and courts that are administering justice in West Bengal today? My own feeling is that if the department had gone more carefully into the working hours of the Judges and Magistrates and to the many Bar associations and their members to help Government save time, to help the whole administration to get justice done in the quickest possible time, he would have been able to influence not administratively but perhaps morally members of the legal profession not to prolong their task before the Magistrates If he is unable to do so, my feeling is that the objective he has before his mind will not be achieved, and therefore I would suggest to him through you, Sir to hold this Bill back, to try and see whether there are other means of saving time in the prosecution of these cases and save us even Rs 500 or whatever be the salary of the Judges of this tribunal. Secondly, Sir, this Bill, from the little that the Hon'ble Minister has told us, raises a constitutional point in the sense that it was not the Government of West Bengal that thought of this tribunal. It is an encroachment on provincial autonomy when the Government of India pokes its nose into subjects which belong to a local Government. The West Bengal did oppose one or two methods which the Government of India had suggested but the Hon'ble Minister cannot get out of the fact that the initiative came not through the Cabinet room of West Bengal but through a higher source. If this method is encouraged, then I am inclined to the view that many more instances may occur and the Hon'ble Ministers of the Council of Ministers of West Bengal, may merely become the tools of people outside Bengal. For these reasons, Sir, I would repeat my suggestions to the Hon'ble Minister to wait and to try and find out other means of administering justice in these special cases and save us whatever expenditure the present Bill may involve.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Sri J. C. CUPTA: Mr. Speaker, Sir, my honourable friend representing the Muslim Chamber of Commerce, whom I do not find here now, has complained of an inroad by the Central Government into provincial

matters, little knowing that not only it is not an inroad but it is a recognition by the Central Government that the Provincial Government can alone constitute courts because the constitution of courts is in the Provincial Legislative List. They have, therefore, asked the Provincial Government to constitute the courts to try the cases of corruption. The entire expenses again are borne by the Central Government and my learned friend's apprehension that it will mean an additional financial burden upon this province is also without any foundation.

My honourable friend has next said, why these cases could not be tried by the ordinary Magistrates. It appears that one reason which was put forward by the Hon'ble Minister has entirely escaped his attention and it is this. Ordinary Magistrates can inflict a maximum punishment of two years and a maximum fine of Rs. 1,000. It is admitted on all hands, Sir, that we ought to award deterrent punishment in these corruption cases and the maximum punishment provided will not meet the ends of justice. There is another reason. According to ordinary rules of evidence, the onus is heavily on the prosecution to prove everything against the accused and no presumption can be made against an accused. You are aware, Sir, that in corruption cases one very material evidence is a huge amount of money which may be traced in the possession of the accused and which the ordinary honest means of livelihood cannot explain. It is, therefore, necessary that in order to make effective trials of corruption cases, a special rule of evidence should be provided and that has been done, viz., that when an accused is found in possession of an extraordinary amount of money, the prosecution will not have to prove that that money is ill-gotten, but there will be presumption until the accused can rebut it. I suppose everyone in this House will admit that it is absolutely necessary to have such a provision if we have got to succeed in such cases.

My learned friend again said that tribunals are better, but we know that the Central Government have established two tribunals here—one tribunal has created an unenviable record in protracted trial, I mean that tribunal presided over by Mr. Dhavle and the other tribunal has been trying cases but many cases have been pending. Sir, we all know justice delayed is justice denied. Our Government is trying to provide special courts so that special trial may be held and justice may be done and done in an effective manner. I think if my learned friend was here, he would have grown wiser when I mentioned these facts, all of which he ignored in his speech.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, Sir, I would only point out, after what has been said in reply by my honourable friend Sri J. C. Gupta, that a query was made as to why ordinary courts could not try these cases. Sir, I have got in my possession here a list of no less than 26 of such cases of the special police establishment of the Government of India for which the establishment of special court is desired. In good many of these cases the amount that is involved in the fraud would be no less than a lakh of rupees and in good many cases more than a lakh. If we were to agree to the proposition of the honourable member for the Muslim Chamber of Commerce to have these cases tried in an ordinary court, in view of the fact that an ordinary court could not inflict a heavier sentence than only one thousand rupees' fine and two years of rigorous imprisonment, it would be indeed from the trading point of view a profitable proposition to get away with a lakh of rupees and then after a trial—protracted trial at that—to have to pay no more than one thousand rupees' fine. Government has got no intention of allowing such crimes to be profitable on any account and therefore power is sought to be taken with a view to enable a special court to inflict a heavy and adequate sentence in such cases. That, I think, would explain the necessity for special powers with regard to sentence and if my honourable friend opposite who had spoken had been here, I am sure he would have agreed with

this point of view, and as for the question of expenses I confirm what has already been said in giving information by Sri J. C. Gupta that it has already been arranged and it is already the practice that the Government of India pays for the expenses of the special courts or tribunals of this nature which try mainly Government of India's cases. And also, Sir, all expenses are borne by the Government of India. The reply has already been given with regard to the objection that since it was the Government of India's suggestion it was an inroad on the powers of the Provincial Government. On the contrary, it is a recognition of the fact that even if the Government of India cases are to be tried within this province, the Government of India could not constitutionally have a parallel judiciary set up in order to try cases, because those cases are instituted by the Government of India's special police establishment. Therefore it falls on the Provincial Government which is the sole authority for the purpose of constituting courts to legislate adequately, so that courts under the powers of provincial legislation could be established, which might deal with such cases. I am sorry, Sir, that what I had made clear at the outset of my observations when moving my motion escaped the honourable member's attention, and I regret that he is not here. I hope that the facts which I have given will satisfy everyone of the points of objection which were raised.

With these words, Sir, I again commend my motion to the acceptance of the House.

The motion of the Hon'ble Sri Niharendu Dutt-Mazumdar that the West Bengal Criminal Law Amendment (Special Courts) Bill, 1949, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill, was then put and agreed to.

Clause 2

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 2, in line 3, after the words "for such area" the words "and to sit at such place" be inserted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I accept it as it clarifies the intention and purpose of the clause.

The motion was then put and agreed to.

The question that clause 2, as amended, do stand part of the Bill, was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9

The question that clause 9 do stand part of the Bill was then put and agreed to.

Clause 10.

The question that clause 10 do stand part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 do stand part of the Bill was then put and agreed to.

Clause 12.

The question that clause 12 do stand part of the Bill was then put and agreed to.

Schedule

The question that the Schedule do stand part of the Bill was then put and agreed to

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I beg to move that the West Bengal Criminal Law Amendment (Special Courts) Bill, 1949, as settled in the Assembly, be passed

The motion was then put and agreed to.

The West Bengal District Boards (Amendment) Bill, 1949.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to introduce the West Bengal District Boards (Amendment) Bill, 1949.

(The Secretary then read the short title of the Bill.)

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to move that the West Bengal District Boards (Amendment) Bill, 1949, be taken into consideration.

Sir, the Bill has been circulated. The objects and reasons for which the Bill has been brought forward have also been mentioned in the Statement of Objects and Reasons of the Bill. When the new districts of Nadia, Jalpaiguri, West Dinajpur and Malda were formed as a result of the Radcliffe Award, the Provincial Government set up district boards in these four districts by appointing all the members under the West Bengal District Boards Act, 1947. Though the maximum period for which the said district boards constituted by appointed members might function was fixed at two years under the said Act, no provision was made in the Act for reconstitution of the boards by election according to the provisions of the Bengal Local Self-Government Act of 1885 at the end of that period. This was an omission and the present Bill is intended to make good the

aforesaid omission and to empower the Provincial Government to extend the term of office of the present members of the said district boards by six months beyond the maximum period of two years, as the extension of the term of the present boards for this period is necessary for holding elections for the purpose of reconstitution of the boards after the proposed amendment of the Act. Sir, it is necessary that there should be a modification or amendment of the West Bengal District Boards Act of 1947, because, as I have just indicated, all these four districts of Nadia, Jalpaiguri, West Dinajpur and Malda have been newly formed, and there was no provision for reconstitution of the district boards by an election after the period of appointed members has elapsed. That was necessary but we could not do it until we have also altered the provision of the Local Self-Government Act as has been proposed by me and is coming for discussion before the House presently. Until that was done it was not possible to hold the election and ordinarily the proposition for election takes a period of 12 months from the time the publication of the Rules under the Act has been made with regard to a particular area. The present appointed members will finish their term in August 1949, hardly 6 months or 5 months are left over for this purpose. Ordinarily the time which is taken for final publication of the rules is about a month and a half; the time that might elapse according to the Act for final publication and before the preparation of the electoral roll is three months, time required for the preparation of electoral roll is five months and time required to hold the election is about two months and time required for reconstitution of the Board after election has been held is about half a month or three weeks. The total period is about 12 months. Therefore the other provision in the Bill which is put before the House is to increase the period of appointed members by six months so that by February 1950 the election could be held according to the provisions of the Bengal Local Self-Government Act of 1885.

The motion of the Hon'ble Dr. Bidhan Chandra Roy that the West Bengal District Boards (Amendment) Bill, 1949, be taken into consideration was put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was put and agreed to.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I beg to move that the West Bengal District Boards (Amendment) Bill, 1949, as settled in the Assembly be passed.

The motion was put and agreed to.

The West Bengal Local Self-Government (Amendment) Bill, 1949.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I beg to introduce the West Bengal Local Self-Government (Amendment) Bill, 1949.

(The Secretary then read the short title of the Bill).

The Hon'ble Dr. BIDHAN CHANDRA ROY: I beg to move that the West Bengal Local Self-Government (Amendment) Bill, 1949, be taken into consideration.

The Bill has been circulated and in the Statement of Objects and Reasons it is stated that the election of members of district boards in districts where local boards have been abolished is provided for in sections 36A, 36B, 36C and 36D of the Bengal Local Self-Government Act of 1885. But where there has been no local board formed, there the difficulty has arisen and in the olden days the Government chose to nominate individuals to represent the areas not covered by the local boards. I particularly refer to three thanas in the Jalpaiguri district which have gone unrepresented from the date on which the local boards have been abolished because previous to that action of the Government of West Bengal these areas were represented by nomination of members to the district boards. These areas were represented by appointed members. Unfortunately the provision in the Bengal Local Self-Government Act says that if there is an area where a local board had been functioning and had been sending members to district boards is abolished under section 36A the members of the local board shall vacate their offices and thereupon such proportion of the members of district boards as the Provincial Government may from time to time direct shall be elected by the persons entitled to vote under section 36E in the area which was under the authority of the local board at the time of abolition. That was with reference to Jalpaiguri. But there are areas which were never under the local board and therefore do not today enjoy any representation. On the other hand, it was also felt that the district boards of Nadia, West Dinajpur and Malda which had been reconstituted after the Radcliffe Award also would suffer from the same disability until this Act is amended because there local boards have not been formed. Those districts are being administered by appointed members. As soon as the time for election comes on, according to the provisions of the Act which has just now been accepted by the House, I mean the West Bengal District Boards (Amendment) Bill, 1949, there would be no arrangements for election in these three districts which have no local boards under the provisions of the present Act unless the provisions of this Act are accepted by the Assembly and it would be difficult to hold any election. Therefore I have put this amending Bill before the House which gives us the nature of the qualifications of voters of district boards in areas where no local boards have been established and qualification for election as a member of a district board in areas where no local boards have been established and the amending Bill which I have put before the House is for the purpose of enabling these four districts to form their own district boards consisting of elected members where today no local boards are functioning. With these words I commend my amending Bill for the acceptance of the House.

The motion of the Hon'ble Dr. Bidhan Chandra Roy that the West Bengal Local Self-Government (Amendment) Bill, 1949, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was put and agreed to.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I move that the West Bengal Local Self-Government (Amendment) Bill, 1949, as settled in the Assembly be passed.

The motion was then put and agreed to.

Adjournment.

The House was then adjourned at 6·5 p.m. till 4 p.m. on Thursday, the 20th January, 1949, at the Assembly House, Calcutta

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 20th January, 1949, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Sri Iswar Das Jalan) in the Chair, 9 Hon'ble Ministers and 58 members.

STARRED QUESTION

(to which oral answer was given)

Ejectment of paiks from chakran lands in the district of Malda.

*16. **Dr. SURESH CHANDRA BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that in the district of Malda some zamindars are ejecting their *paiks* and *mondals* (servants) from their *chakran zaigir* lands and settling these lands to third parties by taking high *nazarana* or *salami* in apprehension of abolition of Permanent Settlement?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the actual number of such ejected tenants?

(*c*) Will the Hon'ble Minister be pleased to state the number of persons thus ejected who belonged to Scheduled Caste and Harijan community?

(*d*) Whether it is a fact that the matter has been drawn to the notice of the Hon'ble Minister in charge by the President, Malda District Congress Committee, for enquiry and necessary action?

(*e*) Will the Government consider the desirability of taking steps for stopping such transfer of tenancies?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sri Bimal Chandra Sinha): (*a*) Reports have been received that a certain number of *paiks* and other servants have been ejected from their *chakran* lands by the zamindars, whose purpose, however, is not known to Government.

(*b*) Two hundred and seventy.

(*c*) Some of the persons ejected belong to the Scheduled Caste community.

(*d*) Yes.

(*e*) Government have taken necessary action.

Sri CHARU CHANDRA BHANDARI: অতিরিক্ত প্রশ্ন স্যার, মাননীয় মন্ত্রীমহাশয় বলবেন কি তাঁর এই যে (*e*)র উত্তরে বলেছেন "Government have taken necessary action"—কি ব্যবস্থা অবলম্বন করেছেন?

The Hon'ble Sri BIMAL CHANDRA SINHA: Government have sent instructions to the officers that where the people affected belong to the aboriginal classes, the Magistrate should exercise strictest superintendence and should not, except in very justified cases, give permission for the transfer of lands from the aboriginals to non-aboriginals. Secondly, where the aboriginal people are being evicted, the Magistrate has also been asked to give them such legal help as is permissible to them under the scheme of legal assistance. In other cases where aboriginals are not involved, I

personally addressed the landlords of the district when I was touring the district this month and I have impressed upon them that they should go slow in their own interest and they have agreed that they will not evict the tenants outright but would give them some portion of the land while resuming the rest where the people have ceased to give them service.

Sri CHARU CHANDRA BHANDARI: মাননীয় মন্ত্রীমহাশয় বলবেন কি যে এই সম্পর্কে কোন কার্যকরী ব্যবস্থা করতে হলে Bengal Tenancy Act সংশোধন করা প্রয়োজন, তা না হলে এই যে সমস্ত ব্যবস্থা অবলম্বন করা হয়েছে তার আইনতঃ কোন কার্যকারীতা থাকবে না।

The Hon'ble Sri BIMAL CHANDRA SINHA: I am afraid it is not possible to have any legislation at the present moment because a tenancy under section 181 of the Bengal Tenancy Act is in the nature of a contractual tenancy and if one party fails to perform his part of the contract, there is no reason why the other party should be penalised for that

Sri CHARU CHANDRA BHANDARI: মন্ত্রীমহাশয় এই সমস্ত ক্ষেত্রে এমন কিছু কি করতে পারেন না, যেখানে এই রকম চাক্লান জমি আছে তার জন্য কোন serviceএর প্রয়োজন থাকবে না; এবং যে চাক্লান প্রজা ছিল তাকে সাধারণ প্রজাস্বরূপ গণ্য করে সাধারণ যে rate আছে সেইভাবে সে খাজনা দেবে।

The Hon'ble Sri BIMAL CHANDRA SINHA: I think it is a bigger question It cannot be answered in this context because that involves essentially the reform of the land system as a whole. Moreover, in many cases the tenants themselves have shifted to other places and it is not possible for them to continue there and take lands in settlement

Sri CHARU CHANDRA BHANDARI: মাননীয় মন্ত্রীমহাশয় কি এই বিষয় বিবেচনা করবেন যে এই রকম আইন করা যায় কি না যাতে স্থায়ীভাবে এর একটা প্রতিকার করা যায়। কারণ মালদহ জেলার কথা বাদ দিয়ে অন্যান্য জেলায় চাক্লান জমি নষ্ট করে দিয়ে মালিকরা খাজনা ভোগ করতে পারে।

The Hon'ble Sri BIMAL CHANDRA SINHA: I have no report that such evictions are taking place in other districts Even in the district of Malda only some portions of the two thanas are affected and I do not think that this question can be dealt with except in the context of the land reform as a whole.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Nominated buyers for procurement of cloth.

8. Sri BASANTLAL MURARKA: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if it is a fact—

(*i*) that Government-nominated agents for procurement of cotton textiles have been allowed in the first instance the margin of 15 per cent. over ex-Bengal mill- price and later 10 per cent.;

(*ii*) that during former textile control period the margin allowed to such agents was 10 per cent only including 3 per cent. quota holders' margin of profit leaving 7 per cent. to the procurement agents; and

(*iii*) that quota-holders' share in the margin was not taken into consideration when Government allowed 15 per cent. or 10 per cent. to the procurement agents?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the object of Government in enhancing the margin of profits to the procurement agents?

(*c*) Will the Hon'ble Minister be pleased to state whether any tender was called for appointment of procurement agents?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Sri Prafulla Chandra Sen): (*a*)(*i*) Nominated buyers for procurement of cloth in June, 1948, during the period of decontrol were allowed the margin of 15 per cent. in the first instance; in July the margin was reduced to 10 per cent.

(*ii*) and (*iii*) Yes.

(*b*) During the period of decontrol cloth was selling at abnormally high prices which were 50 per cent. to 100 per cent. over the ex-mill price and Government accordingly decided to get some cloth procured through nominated buyers and sold at a much lesser margin which was first fixed at 15 per cent. in consultation with the nominated buyers in view of the increased transport and handling charges and then reduced to 10 per cent. after further scrutiny of the expenses involved. The question of enhancing the margin from 7 per cent. to 15 per cent. or 10 per cent. is not relevant, as the parties and the conditions were not the same.

(*c*) Applications were invited by an advertisement in the Press in the latter part of June, 1948, for appointment of procurement agents in July, 1948.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state what percentage by way of margin would cover the cost of these nominated agents?

The Hon'ble Sri PRAFULLA CHANDRA SEN: 6 to 7 per cent.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if he had set up any machinery to see that these nominated agents sold cloth at the desired prices?

The Hon'ble Sri PRAFULLA CHANDRA SEN: The nominated buyers are selling at the desired rates.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if it has not been brought to his notice that many of the agents had sold cloth at a much higher price than they should have sold them at?

The Hon'ble Sri PRAFULLA CHANDRA SEN: Not after the control was reimposed.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state what the position was before the control was reimposed?

The Hon'ble Sri PRAFULLA CHANDRA SEN: When there was decontrol, the question of controlling prices by Government did not arise.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state, in view of what he has stated in the answer that the reason why certain persons were designated as nominated buyers was that they would be selling at a much lower price than the prevailing market price, whether it was not desirable that Government should have some sort of control over the selling prices?

The Hon'ble Sri PRAFULLA CHANDRA SEN: It is no use going into *post mortem*.

Sri J. C. GUPTA: Is the Hon'ble Minister aware that in view of the high price of yarn the cottage handloom weavers are experiencing difficulty and those who used yarn for the purpose of manufacturing belting, etc., find it difficult to compete with foreign beltings?

The Hon'ble Sri PRAFULLA CHANDRA SEN: This supplementary question does not arise out of it.

Sri J. C. GUPTA: I submit that is for the Chair to decide. Sri Basantlal Murarka's question is about the textile control. Yarn comes within textiles.

The Hon'ble Sri PRAFULLA CHANDRA SEN: The question of Sri Bansantlal Murarka arises out of the cotton textile control, but I may tell the honourable member that textile, so far as yarn was concerned, was not under control then. This question relates to a period when there was decontrol.

Newly selected appointed retailers at Darjeeling.

9. Sri BASANTLAL MURARKA: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact that the Town Rationing Officer, Darjeeling, invited applications in the prescribed form for Food Ration Shops by 5th April, 1948, latest from *bona fide* traders in foodgrains including co-operative stores registered under the Co-operative Societies Act?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) whether the newly selected 15 appointed retailers are *bona fide* traders and fulfil the requirements of the prescribed application form;

(*ii*) whether the Food Advisory Committee, Darjeeling, and the Ration Dealers' Association, Darjeeling, were consulted in this matter; and

(*iii*) if not, why not?

(*c*) Will the Hon'ble Minister be pleased to state whether the reports of the Inspector or Sub-Inspector deputed for the purpose were verified by the Town Rationing Officer or the Assistant Rationing Officer, Darjeeling, so far as they relate to the newly appointed retailers?

The Hon'ble Sri PRAFULLA CHANDRA SEN: (*a*) Yes, this was done in accordance with a Cabinet decision to replace such ration dealers as were found to be indulging in malpractices or were otherwise undesirable.

(*b*) (*i*) The newly selected 15 appointed retailers are all *bona fide* tradesmen. Some of them, however, did not previously deal in any rationed foodgrains, and do not fulfil conditions 4 and 5 of the prescribed application form relating to previous experience in the retail trade of food, because in the rationed areas persons other than the appointed retailers and wholesalers under the Bengal Rationing Order, 1943, are not allowed to deal in rationed foodgrains. They were selected as no other dealers fulfilling all the conditions were available.

(*ii*) No.

(*iii*) The Advisory Committee, Darjeeling, was not functioning in the rationed area at the time when the selections were made.

(*c*) Yes. As many as 65 candidates who applied for the Food Ration Shops were interviewed by the Deputy Commissioner, Darjeeling, in 3 batches and out of them 15 were selected by him after the interview.

Adjournment Motion.

Janab MD. KHUDA BUKHSH: Mr. Speaker, Sir, I tabled an adjournment motion which, I find, has very kindly been consented to by you. Sir, may I now proceed to move my adjournment motion?

Mr. SPEAKER: The short statement with regard to the adjournment motion to which I have given my consent is as follows:—

It is reported that on the 19th the students gathered near the Police Morgue to request the authorities to hand over to them the dead body of a student who had died as a result of Tuesday's police firing. The police went into action against the students with tear gas shells, lathis and rifles resulting in the death of five students and injuries to many more.

Is there any objection to this adjournment motion?

(There was no objection.)

Mr. SPEAKER: If there be no objection, I have to fix the time.

Sri D. N. MUKHERJI: Sir, may I request, as the Leader of the House is not present, would you mind fixing it up for tomorrow?

Janab ABUL HASHEM: Sir, we would have no objection to postponing the discussion till tomorrow if the Chief Whip of the Government Party could produce some real, tangible and understandable reasons for that. Mere absence of the Leader of the House is no reason why discussion should be postponed till tomorrow. This will start a very bad precedent. In future every matter will thus be disposed of on the plea of absence of this Minister or that Minister. It is, Sir, the business of the Leader of the House to be present during the session and it can be safely presumed that if he on any ground remains absent, then his representative would carry on the business on his behalf. Therefore, Sir, we seriously object to postponing the discussion till tomorrow as there is no valid reason for that.

Sri D. N. MUKHERJI: Sir, I have heard what Janab Abul Hashem has said. I have just learnt that the Leader of the House has gone out in order to be well-posted with facts, so that he will be able to place before the House all the details, and the Opposition may be satisfied with his statement and may not continue discussion on this subject at all. I would, therefore, request you to put off discussion till tomorrow.

Janab MD. KHUDA BUKHSH: Sir, may I make my submission? The situation, as you are aware, has already become desperate. The situation is drifting. If anything constructive emerges out of this discussion on this adjournment motion, it may help Government to tackle the situation. Instead of postponing the matter which has already become very desperate and grave, we should proceed with the adjournment motion, so that we may evolve something definite to advise Government as to how to proceed.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I do not see any point in discussing this question of fixing the time. Only the Hon'ble the Leader of the House who has been dealing with this matter and posting himself up with facts is a bit delayed, and when Government has no objection to an adjournment motion it has been the practice for the Hon'ble Speaker in this House to fix a time which would suit mutual convenience. It is far from the intention of Government, Sir, to deprive this House of any opportunity of the fullest discussion. In fact, it is their intention to help the House in getting full facts of a situation which has arisen. It is requested that you may be pleased to fix a time in mutual convenience as suggested by the Government Whip, so that fullest justice may be done to the cause of discussion. I hope, Sir, that in view of this the honourable members of the Opposition will not disagree, and I hardly think it is fair to the Government to suggest that there was any attempt to put off discussion.

(At this stage the Leader of the House entered the Chamber.)

On the contrary as the Leader of the House has arrived now, he can speak for himself and give facts without which discussion would perhaps be in thin air.

Janab ABUL HASHEM: The only objection that the Leader of the House was not present is no more in existence.

Mr. SPEAKER: The question is what time should be fixed.

Janab MD. KHUDA BUKHSH: Now that the Hon'ble the Leader of the House has come here, I do not think there should be any objection from the Government Benches to our proceeding with the adjournment motion here and now.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I am thankful to Mr. Khuda Bukhsh for having given us this opportunity of putting the case before the House. The subject that he has raised in his notice of motion is the question of police action resulting in the death of five persons and injuries to several others

Mr. SPEAKER: The question before the House is the fixing of time.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I will just tell you why discussion should be postponed till tomorrow. You expect me to make a statement of the particular points that have been raised, and I suggest that the first hour tomorrow afternoon may be taken up for this reason when I shall be in a better position to give all the details which I am waiting to get. I shall be very happy if Janab Khuda Bukhsh gives me the opportunity of putting the case in the proper form. Therefore, I suggest to you, Sir, that the matter may be postponed till first thing tomorrow

Mr. SPEAKER: After the statement of the Leader of the House that he wants to be posted with facts, I think there will be no objection on the part of the Opposition

(There was no objection.)

I fix tomorrow just after question hour for discussion of this adjournment motion.

GOVERNMENT BILLS.

The Calcutta Thika Tenancy Bill, 1949.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to introduce the Calcutta *Thika* Tenancy Bill, 1949.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to move that the Calcutta *Thika* Tenancy Bill, 1949, be taken into consideration.

Sir, in moving the consideration motion of the Calcutta *Thika* Tenancy Bill, 1949, I think I should give a detailed explanation of the circumstances which necessitated promulgation of the Calcutta *Thika* Tenancy Ordinance and formulation of the present measure. The *thika* tenants of Calcutta *bustees* have presented a problem for many years. It has been brought to the notice of Government that owing to heavy pressure of population in Calcutta there was going on a steady eviction of the *bustee* tenants of Calcutta thus leading to great misery and hardship to the tenants. That was why Government was forced to promulgate the Ordinance in order to stop the execution of decrees for eviction. That was only a temporary measure. Government have now come up before the Legislature with a substantive Bill regulating the rights and responsibilities of the *thika* tenants and giving them some substantial relief. Sir, the *bustee* problem has been one of the most baffling problems of the city and suburbs. Efforts

have been made from time to time to solve this problem, but I must confess that not much headway has been made so far. You have in this city large areas with sprawling huts where men, women and children live in a most insanitary condition. Recently the Government of West Bengal conducted an enquiry into the living condition in the *bustees* of Calcutta and Howrah. This enquiry report is in the press and will be published in about a week's time. I would, however, like to give this House a brief outline of some of the main results of the enquiry. The enquiry which was conducted on sample survey method and was confined to 10 per cent. of the *bustees* in Calcutta, though at present the result of 5 per cent. only has been collected. There are at the present moment 4,371 *bustees* recorded in the books of the Calcutta Corporation. These *bustees* are generally inhabited by two classes of people—*thika* tenants and their *bharatias*.

The usual pattern is that the *thika* tenant takes the land in settlement from the landlord, sets up the structures and lets out those structures to *bharatias*, in some cases reserving a portion for himself. Where the *thika* tenant himself resides, the density of population is generally 2·5 per cent. per room; where they have been let out to *bharatias*, the average density of persons per room is 5·3. Of the total number of tenements 92·3 per cent. are one-roomed, 5·8 per cent. are two-roomed and 1·91 per cent. are more than two-roomed. The average annual ground rent for a *bustee* is Rs. 89·2 and the average quarterly tax is Rs. 68·1. For a hut the amounts are Rs. 14·71 and Rs. 11·14, respectively. For a room the figures work out to be Rs. 1·8 and Rs. 1·36 per year respectively. The rent paid by *bharatias* to the *thika* tenants works out at Rs. 7·97 per month or Rs. 7·33 per room per month. It is found that the *thika* tenant holds the land sometimes under registered leases which is 29·9 per cent. of the total sometimes by unregistered documents which is 4·53 per cent. and sometimes by oral agreement which is 24·8 per cent. The percentage of tenants affected by cases where eviction proceedings have been instituted or completed is 6·63 per cent. Amongst the *thika* tenants 26 per cent. has income of less than Rs. 50 per month, 38 per cent. has income between 50 and 100 per month while 36 per cent has income of more than Rs. 100 per month. Of these 36 per cent. about 31 per cent. has a monthly income of Rs. 500 or more. Amongst the *bharatias* 42·1 were found to have incomes of Rs. 50 or less per month; 32·4 per cent. were found to have incomes between 50 and Rs. 100 per month.

Sir, from the picture I have tried to give in brief of the conditions in the *bustees*, two facts become absolutely clear. First, the *bustee* people live in a condition which demands immediate improvement. Secondly, the *thika* tenants, namely, those persons who have taken the lands from the landlords and have set up structures and let out those structures to *bharatias*, such *thika* tenants are in a much better condition than the *bharatias* themselves. Sir, I have no hesitation in my mind that it is unwise to allow these *bustees* to continue in this condition for ever. These *bustees* have been the breeding centres of epidemic ill health and constitute a menace to the city's social, civic and health problems. From the point of view of housing conditions it is inconceivable that large parts of land will be occupied by a few huts affording accommodation only to a few people where a very large number of persons could be accommodated if proper housing schemes could have been given effect to. The Government are therefore anxious that the sooner these *bustees* are replaced by proper houses for different categories of people of varying income groups, the better it is for the persons residing in these tenements as also for the city as a whole. Pending successful implementation of such a scheme, Government was of opinion that so long as the *bustee* system continues there would be no point in allowing one resident of the *bustee* to be evicted only to be replaced by a similar person. After partition even the middle class families who are not accustomed to reside in the *bustees* have been forced to occupy the *bustees* and live there for want of

better accommodation. Sir, with the heavy pressure of population and heavy increase in the price of land it is only natural that there would be a tendency to evict the occupants or to get from them high rent and *salami*. The Government therefore have thought it necessary to bring forward this measure to regulate the rights and liabilities of the *thika* tenants till the larger question of removing the *bustees* altogether can be properly given effect to.

Sir, I need not go into the provisions of the Bill in detail. I believe honourable members have already looked into the draft of the Non-Agricultural Tenancy Bill and this Bill makes similar provision for the *thika* tenants. In framing this Bill the improvement of *bustee* conditions has been kept in view. There are provisions for regulating the rate of rents and for preventing ejectment except on certain grounds. Sir, on the analogy of the Rent Control Act a provision has been made that if a *thika* tenant does not reside himself or does not occupy the major portion of the land then the *thika* tenant will no longer be the tenant and the *bharatia* will be the direct tenant of the landlord.

Sir, there is also provision for deposit of rent in case of dispute, provision as to how the rent will be increased and how long rent cannot be increased after once there has been an increase and so on. Sir, these will be taken up as the clauses are examined and I think, Sir, this Bill will afford protection to the Calcutta *bustee* tenants so long as the bigger issue is not taken up in its entire magnitude.

The motion of the Hon'ble Sri Bimal Chandra Sinha that the Calcutta *Thika* Tenancy Bill, 1949, be taken into consideration was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 do stand part of the Bill was then put and agreed to.

Clause 10.

The question that clause 10 do stand part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 do stand part of the Bill was then put and agreed to.

Clause 12.

The question that clause 12 do stand part of the Bill was then put and agreed to.

Clause 13.

The question that clause 13 do stand part of the Bill was then put and agreed to.

Clause 14.

The question that clause 14 do stand part of the Bill was then put and agreed to.

Clause 15.

The question that clause 15 do stand part of the Bill was then put and agreed to.

Clause 16.

The question that clause 16 do stand part of the Bill was then put and agreed to.

Clause 17.

The question that clause 17 do stand part of the Bill was then put and agreed to

Clause 18.

The question that clause 18 do stand part of the Bill was then put and agreed to.

Clause 19.

The question that clause 19 do stand part of the Bill was then put and agreed to.

Clause 20.

The question that clause 20 do stand part of the Bill was then put and agreed to.

Clause 21.

The question that clause 21 do stand part of the Bill was then put and agreed to.

Clause 22.

The question that clause 22 do stand part of the Bill was then put and agreed to.

Clause 23.

The question that clause 23 do stand part of the Bill was then put and agreed to.

Clause 24.

The question that clause 24 do stand part of the Bill was then put and agreed to.

Clause 25.

The question that clause 25 do stand part of the Bill was then put and agreed to.

Clause 26.

The question that clause 26 do stand part of the Bill was then put and agreed to.

Clause 27.

The question that clause 27 do stand part of the Bill was then put and agreed to.

Clause 28.

The question that clause 28 do stand part of the Bill was then put and agreed to.

Clause 29.

The question that clause 29 do stand part of the Bill was then put and agreed to.

Clause 30.

The question that clause 30 do stand part of the Bill was then put and agreed to.

Clause 31.

The question that clause 31 do stand part of the Bill was then put and agreed to.

Clause 32.

The question that clause 32 do stand part of the Bill was then put and agreed to.

Clause 33.

The question that clause 33 do stand part of the Bill was then put and agreed to.

Clause 34.

The question that clause 34 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to move that the Calcutta *Thika* Tenancy Bill, 1949, as settled in the Assembly be passed.

Sri J. C. GUPTA: Mr. Speaker, Sir, we must congratulate our Revenue Minister for enacting this Calcutta *Thika* Tenancy Bill into an Act as also the Act that was passed yesterday. According to the policy of the Congress we have got to look to the interest of the poorer people first and foremost, I think everybody will admit that these two Bills serve the interest of the poorer masses, and it is certainly a matter of congratulation that these two Bills have been enacted into law. The House has also to be congratulated for the speedy passage of these two Bills. Let us hope that these two Bills will inure to the benefit of the poorer people whom it is intended to benefit.

There is only one other class of cases which require the attention of the Revenue Minister but no legislation is necessary, I mean the khas mahal tenants. They are under the Government, and I am sure consistent with the principle enumerated in this Bill the khas mahal tenants will also receive the help that they deserve.

Sir, with these words I congratulate the Hon'ble Minister once again.

The motion of the Hon'ble Sri Bimal Chandra Sinha that the Calcutta *Thika* Tenancy Bill, 1949, as settled in the Assembly, be passed, was then put and agreed to.

The Corporation of Calcutta (Temporary Supersession) Amendment Bill, 1949.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to introduce the Corporation of Calcutta (Temporary Supersession) Amendment Bill, 1949.

(The Secretary then read the short title of the Bill.)

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to move that the Corporation of Calcutta (Temporary Supersession) Amendment Bill, 1949, be taken into consideration.

Sir, the members should recall that last year owing to continued deficit and maladministration this Assembly considered and passed two Bills: one was the question of supersession of the Corporation of Calcutta for a period of one year ending on the 31st of March 1949 and the other was the question of investigation into the affairs of the Corporation. The Government according to the provisions of the Act appointed an Administrator who had two main duties to perform apart from other duties which any administrator has to perform in the Corporation, namely, to try and whip up the collections in the first instance and secondly to have a reassessment of all the Wards of Calcutta in order to find out whether properties in Calcutta were being properly assessed. The situation became very critical because Government had to advance for the ordinary work of the Calcutta Corporation a sum of nearly 50 lakhs of rupees in the year 1947-48 and at about the same time that the Bill was presented before the House last year there was a request from the Corporation to give a loan of Rs. 20 lakhs for the year 1948-49. It is therefore a matter of great congratulation to the Administrator and his administration that the collections have improved tremendously compared with the collections for the first three quarters in the years 1945-46, 1946-47, 1947-48 and 1948-49. (Shaik MOHAMAD RAFIQUE: What was the percentage?) The percentage will be calculated after the year is over, as my friend Mr. Rafique who had long been in the Corporation, must have known. I can only give you the figures that stood on 31st December, 1948, compared to the first three quarters collections in the other three years: In the year 1945-46 collection for the first three quarters was Rs. 1,59,34,300; in the year 1946-47 it was Rs. 1,43,34,400; in the year 1947-48 it was Rs. 1,50,15,500 and in the year 1948-49 up to 31st December it was Rs. 1,96,48,399—an appreciation of nearly 46 lakhs over the collection of the previous year during the first three quarters. That, I submit to the House, is a very great achievement, and it is therefore expected that the year will close now without any further call upon the Government for loan. As a matter of fact, of the loan of 20 lakhs which they have taken they have already returned 5 lakhs to us and they are promising to return before the year is over practically the whole of the loan taken in the year 1948-49. Added to this assessment has been made in some of the wards and it is going on, and it will take certainly some time before the assessment is completed. On the other hand the Commission are also carrying on their investigation and I have been keeping in close touch with the work of the Commission and they have been taking very great care not merely to suggest the method of stopping abuses in the administration of the

Corporation such as appears to them to be reasonable but also, if necessary, to consider the question of the method of election of the representatives of the Corporation or to indicate in what manner, if necessary, the Assembly might consider that the Corporation constitution may be altered so as to ensure better administration in future and prevent abuses, if possible. I do not claim that in any human institution abuses can all be cured. If that had been so, my lawyer friends on my left and my right would have no job to work upon. But I am hoping that with a recommendation of the Commission, if there are any matters which need come before the Assembly for enactment, it would be possible for us to consider whether by such an alteration in the composition or constitution of the Corporation the work of the Corporation might go on better. For instance, in the sister Corporations of Madras and Bombay there is an administrator appointed who is practically in charge of all collections and assessments and also in charge of some of the important posts. I cannot tell you all the details because I have not studied the whole thing very minutely, but that is again a matter which is engaging the attention of the Commission.

The Commission have intimated to us that they would submit an interim report particularly regarding their recommendation on the constitution and franchise of all the people as also the powers of the executive officers, and if these recommendations are accepted by the House then it would need a change in the Act. Therefore I have come today before you with a proposal for increasing the period for the administration of the Corporation till 31st March, 1950, so that in the meantime we might have a complete picture of what the results of the new assessment would be—on the one hand a complete picture as far as possible to find out to what extent a better system of collection and assessment would increase the income of the Corporation, and secondly whether there is any idea as to altering the constitution of the Corporation in the interests of the Corporation itself. I have very great hopes that if the improvement that has been achieved in nine months of this year continues and if the assessment also be done in a manner that will give us a better result at the end of the assessment year, it may be that the Corporation would again get on to its financial equilibrium and probably—I am only giving an estimate—the total income of the Corporation would increase by at least a crore a year.

Therefore, Sir, I have put this case before the House for the purpose of increasing the temporary supersession period of the Corporation up till 31st March, 1950, and I have brought this amendment for that purpose.

Janab MD. KHUDA BUKHSH: Mr. Speaker, Sir, we have heard the Hon'ble the Minister in charge extolling the administrator and his administration. Sir, it is for him, because he has got his figures, to tell us exactly where the improvements have been and where the improvements are still to be expected.

Sir, the duties of the administrator are two-fold, chiefly to expedite and—to borrow the phrase used by the Hon'ble Minister—to whip up collection, and next is reassessment of holdings. He has been satisfied with the work done by the administrator and his administration so far, but, Sir, when he brought this Bill before the House originally, he, being a doctor it naturally came to him, used the simile that the Corporation is diseased and a major operation has to be performed, and I remember, Sir, to have, to pursue his simile, told him that it is incredible that he proposes to keep the patient under anæsthetic for so long a period as 365 days. But now, Sir, I find that he proposes to prolong the anæsthetic by another year and more.

Sir, I should have been satisfied if I found that the Government were as keen in their actions as they profess to be in their words. Sir, what is the true state of the administration in the Corporation? They have appointed

an administrator who is looking after the administration of the Corporation as well as the administration of another body, the Improvement Trust of Calcutta. Would it not have been better if the Government had been able to find their way to appoint an administrator who would have been able to devote all his energies, his whole time and his whole resourcefulness to the object of clearing up the Augean Stable—the *Chorporation* to Mr. Siddiqi and the Corporation of Calcutta to the rest of us? It is a very sad commentary on the state of administration of this country that a suitable administrator could not be found by Government who are so assiduous in their search and their attempt to clear up the Corporation, to build it anew and to better the Corporation in all respects, who could devote all his energies to the job. Why is it, Sir, that a man has been asked to perform two such very important duties? Would the Hon'ble Minister when he makes his final speech (The Hon'ble Dr. BIDHAN CHANDRA ROY: If I may get——)—or if somebody else does on his behalf—explain this because I ask him in all earnestness, because we are all interested in the Corporation and we are all interested to see that the Corporation should be restored to its former glory and not be superseded and be administered by one person? The Corporation has had the unique glory of being the most autonomous self-governing institution in the province but now due to the follies and actions or lack of them of the councillors of the Corporation the Government had seen it fit and proper to oust them from their seats and take the administration in their own hands. But that is not desirable to me as an ordinary citizen of Calcutta. I want to see my elected representative function in the Corporation of Calcutta and that as soon as possible, and I hope the Government will explore all avenues of seeing that this régime of one man administration ends as quickly as possible. The time proposed in this amending Bill of one year and more is too much. They should certainly be able to reduce the period and not take one year and three months.

Sir, I appreciate that a Commission are sitting and they have not yet submitted their recommendations to Government. They will be comprehensive and quite exhaustive recommendations, but then, Sir, they also should be gingered up and—to use the expression again—whipped up. They should be asked to submit their recommendations as quickly as possible so that the Corporation could be restored to its former status.

Shaik MOHAMAD RAFIQUE: Mr. Speaker, Sir, last year when this measure came up for discussion the Leader of the House forced the Corporation of Calcutta Supersession Pill down our throats against our wishes. He told us that if the Corporation was superseded and if an Administrator was appointed, a miracle would happen. The administration of the Corporation will improve, corruption will be eradicated and more amenities will be available. Early last year when another similar measure came up we were told that the Bill was meant for investigation also. The Act will be so amended as to bring improvement in the administration of the Calcutta Corporation. Sir, I will take these two matters separately.

Coming to the Corporation Commission, I would like to know how many sittings this Commission had since the day they were appointed. You will be surprised to hear, Sir, that Government has spent enormous sums in setting up this Commission—sums which could perhaps have improved some of the streets of Calcutta and alleviate the suffering of the citizen of this great city. You will be surprised to learn, Sir, that this Commission had very few sittings—not even two a week, and they have not yet submitted any report. We in this House who have spent good money of the tax payers are entitled to have at least some interim report from this Commission. I think the Leader of the House must have realised before coming to this House that for extension of time this House deserved at least some report from the Commission, admitting that the Congress is the absolute majority and opposition is nominal. We do not want the whole

report but at least some report on some problems or on some works of the Corporation could be given for our guidance, but no report of that kind has been given to us for reasons which are obvious.

Sir, much has been made of the general revaluation of the entire City of Calcutta. My friend Sri Anandilal Poddar who was the Chairman of the Finance Committee will tell you, if he is permitted by his Whip to speak that this question of general revaluation of all the wards to be taken up simultaneously was decided by the Corporation two years before. It was recommended by the Finance Committee that all the wards of the City of Calcutta should be revalued by independent persons, not connected with the Corporation. So this is not a new find which, as the Government pointed out, has been suggested by the Administrator or the Commission. So far as the Commission is concerned they have not been able to do anything, and when the report of the Commission will come out you will find, Sir, the truth of my assertion. You were also connected with the Corporation and you are conversant with the working of the administration of Calcutta Corporation. I hope you share my views that nothing new will come before us. It will be a repetition of old things, which were suggested by you, the Leader of the House and one of the members of the Commission when they were Councillors and Aldermen of the Calcutta Corporation.

Now, Sir, coming to the question of finance the Leader of the House has said that in 1945-46 the income from taxes and other sources was Rs. 1,59,00,000. (The Hon'ble Dr. Bidhan Chandra Roy: Only from consolidated rates.) Yes, that is so. In 1946-47 it was Rs. 1,43,00,000; in 1947-48 it was Rs. 1,96,00,000. He has purposely not given you the percentage of the nett demand and the percentage of collection, you can only compare the collection against the nett demand. If your demand is Rs. 20,000 and your collection is Rs. 8,000, naturally your percentage will be lower against your demand of Rs. 12,000 and collection of Rs. 4,800. The percentage of nett demand against collection could only give true picture and this has been deliberately kept back. If the Corporation's nett demand is Rs. 3 crores and if they had realised Rs. 1,90,00,000 against the nett demand of Rs. 3 crores, surely, Sir, I can say that the realisation of Rs. 1,50,00,000 against the nett demand of Rs. 2,00,00,000 is much better so far as the percentage is concerned. Perhaps when we come to the third reading, the Leader of the House will give us the percentage of collection to remove suspicion.

Sir, everybody knows that the wards of the Corporation are revalued after every six years. A house which is valued today will be revalued after six years. A ward which was valued in 1942 was revalued again in 1948. Naturally the rent which was realised from properties in 1942 has increased and gone up by 200 to 300 per cent. and if not by 200 per cent. at least by 10 per cent. as permitted by Act and 5 per cent. increase for taxes. So it is no credit to the Administrator, if the valuation has gone up. It has gone up on account of inflation. Everybody knows that the rent has gone up, and on that basis the valuation has gone up too. You will be surprised to hear, Sir, that Ward No. 8 comprising the whole of Bowbazar, Harrison Road and Colootola, Ward No. 7 comprising Clive Street, Canning Street and Burrabazar, Ward No. 13 comprising Dhurrumtola Street, Chowringhee and the New Market, Lindsay Street and other side streets have been revalued after 1947, and their assessments have been fixed on that revaluation in 1948. Naturally, Sir, the income from these wards which are the principal business places and money making wards of the City of Calcutta have gone up. And so, Sir, if the Administrator has realised Rs. 1,90,00,000 it is no credit to him, though I fear the nett demand is 25 to 30 per cent. more than before.

Sir, if the Leader of the House had been fair to us he should have given us the figure of unrealised tax pending with the Law Officer. In 1947 it

was Rs. 40 lakhs, and you will be surprised to hear, Sir, that it is more than Rs. 40 lakhs today in spite of efficiency drive in the Corporation. The amount which was pending with the Law Officer has been added to. It has been said that the Corporation has paid back Rs. 5 lakhs out of Rs. 10 lakhs advanced by the Government. We would like to know how much money the Corporation has spent on new works, on improvement works and on repair works. If the income of the Corporation is Rs. 1,90,00,000 and 50 lakhs over last year and they did not spend even Rs. 90 lakhs for repair and improvement work, then they are accumulating all the money for what purpose God knows. But with all income and no expenditure the Corporation will not be running with deficit. It is only when you provide for amenities in a city like Calcutta against the payment made to you in the form of taxes that your income will cover your expenditure. During the last year not even Rs. 50,000 was spent on new works, and this year also from a statement appearing in the Press we find that nothing is going to be spent on new works. Walking on the streets of Chowringhee or Clive Street does not give you a fair idea of the condition of roads in Calcutta. One has to go to Chingrihatta, Narkeldanga, Belliaghatta or Chitpore to find out in what dirty condition these roads are at present. I had been to a District office today and on the first floor verandah I found about 50 to 60 men (methars) gambling just in front of the room of the officer. You will find those people gambling in open even now. That has been the improvement in the administration of Calcutta. If I recollect aright in 1946-47 the percentage of collection had been 99·3 per cent. I would like to know if the percentage of collection has improved since then.

Then, Sir, regarding revaluation, the Leader of the House has said that it is the aim of the Government to see that the finances of the Corporation are stabilised, but the methods they are pursuing are so weak, unstable and doubtful that Corporation finances will never be stabilised. The Assessment Department, Sir, is valuing land at the present market rate and are taking the construction of the buildings at the present prices with 15 to 20 per cent. depreciation. Today the prices of material are inflated, and the land value is also high. If today's price is taken as the basis of valuation then perhaps after a year or two, when depression sets in and the price of the building materials and of the land have gone down, the valuation will be materially affected. A plot of land which was purchased by a man in 1935 at Rs. 5,000 is worth Rs. 20,000 today and if the cost of construction at that time was Rs. 1 lakh, it is Rs. 4 lakhs today. Now, Sir, the Assessment Department of the Calcutta Corporation under the new Administrator is taking up the price of that land at Rs. 20,000 and the cost of construction at Rs. 4 lakhs, minus 20 per cent. or 25 per cent. depreciation for the building in valuing the entire building. These valuations may be conceded as they are so today, but after a year or two when the value goes down perhaps the stipulated income on which you are building up your finances today will also go down not only by 5 per cent. or 10 per cent. but by 50 to 75 per cent. or more. You are setting up fictitious and inflated values, which are prevailing today. This is a very bad method of building financial structure of a corporate body. It is a point to which I think the Leader of the House should immediately set his attention. A method has to be devised which will give you the average value of the land which shall be prevalent for another 10 years, or from year to year for all time to come.

Last time when this measure came up we doubted the intention of the Government so far as the improvement of the Corporation was concerned. Had they been sincere in their desire they would have accepted the suggestion of the minority groups of this House which suggested the formation of nominated Councillors or a nominated committee of 12 or 15 persons consisting of qualified engineers, administrators and businessmen who could run the administration of the Corporation. Sir, the Calcutta Corporation's administration is not one man's job however capable he may be. Mr. Roy

the present Administrator, is no doubt a capable man, but by sitting in the Corporation for 2, 3 or even 6 hours, he cannot dispose of 150 building cases, 150 health department cases, 100 market cases, and nearly 100 water-works cases daily. Besides there are many Corporation contracts which have to be entered into and other matters which have to be disposed of speedily. It is humanly impossible for a man to dispose of 500 or 600 cases daily and at the same time look after the proper administration of the Corporation. The proper course for the Government would be to—if the Government is sincere and well-wisher of the tax paying public and if they want to improve the administration of the Corporation—to have a committee of 12 or 15 or more persons nominated by Government to run the show for another two or three years, or till after the general election of which the present Government is nervous. We fully realise that the administration of the Corporation has to be kept under the control of the Government till the provincial election is over, because anybody who does not get hold of the Corporation can rule West Bengal. After all what is West Bengal but the City of Calcutta? Persons who shall have hold over the Calcutta Corporation will rule West Bengal. It is no secret why this Bill has been brought in. In whatever disguised form you may bring this measure we know what your intentions are. But we sympathise with you and agree that you must have control over the Corporation to rule West Bengal because we do not want chaotic conditions to prevail. Sir, I would suggest that instead of superseding the Corporation till 1950 you should supersede it till 6 months after the election. In the meantime let there be a committee of 15 or 20 persons, qualified persons who are in the confidence of the Government, their own people, who would run the administration of the Corporation during this period of supersession. Because I feel it is a great injustice to the ratepayers who are giving you tons of money expecting that you will provide them with some amenities to which they are entitled. We are not getting any water in the suburbs of Calcutta though we are also paying 22 per cent. of rates as in Calcutta. (Janab ABUL HASHEM: Do you mean to say that the Government is not prepared to face the election of the Corporation now?) Yes, if the election is held tomorrow they may not perhaps be able to capture appreciable number of seats. I may even say that they will not be able to secure more than a dozen seats. So, I would suggest that let the citizens of Calcutta be provided with at least elementary amenities to which they are entitled. Sir, if you go to the Beliaghata side, the condition is worse there. The Hon'ble Sri Hem Chandra Naskar will be able to tell you more than I can say about the condition prevailing there. He supplies water to his voters and supporters from his own tube-well. The people there do not get water. So is also the case in Chingrihata. The Corporation has increased rates already and they are also charging separate amounts for supplying water to business premises. This is one of the forms of income which has recently come into existence in the Corporation after the Administrator had taken charge of it. Then, Sir, the rents of the municipal markets in Calcutta have been increased by 25 per cent. Naturally the income has gone up. Formerly they could not increase the rent on account of the prevailing Rent Control Act, but the new Act has given Government power of exemption and now they can increase by whatever percentage they like. This general increase in the revenue of the Corporation is not due to any efforts on anybody's part but is on account of the general increase in the prices of commodities, land values and cost of construction. I would again welcome figures on this score from the Hon'ble Leader of the House telling us of new sources tapped to augment the revenue.

Finally, Sir, this Bill may be passed—because it is sure to get through—but I hope that in the interest of the ratepayers whom he also equally represents, the Government should do something so that at least 50 per cent. of the past amenities may be provided for them.

I hope, Sir, the Hon'ble the Leader of the House will give due consideration to my suggestions.

Sri J. C. GUPTA: Mr. Speaker, Sir, I was listening to the criticism regarding the Administrative Officer being also the Chairman of the Improvement Trust. My friend Mr. Rafique will probably remember that we have passed an enactment by which we have been able to economise on this account, because the salary is now shared between the two. Secondly, there is another fact also. There are many works in Calcutta which require co-ordination between the Improvement Trust and the Calcutta Corporation. This is also another advantage. Thirdly——(Janab ABUL HASHEM: Then make the Premier of India the Premier of West Bengal also.) If the co-ordination between the two is necessary and if it was possible it would be desirable. We all know that there is dearth of high and responsible officers also. I should like the members to point out whether there has been any shortcomings because of this arrangement. My friend says there are so many cases to be disposed of. Now, is it his contention that these cases were disposed of more speedily before the Administrator was appointed? Certainly not. On the other hand if you now apply for the sanction of a building plan you get an acknowledgment of the application sooner than before and you get the sanction also sooner provided there are no transgressions. But previously even those building plans which did not transgress any of the rules were delayed but those that did transgress the rules but could secure the support of the members of the building committee had a chance of getting their plans passed.

I myself personally do not like a self-governing institution to be run as a department of Government, but I do not want an election until the revision of the electorate and extension of franchise. If we want better representation in the body of the Corporation of Calcutta, I think that should be constituted after the revision of the electorate and after the franchise is extended. Let us hope by 1950 there would be an electorate on the basis of adult franchise and we would expect better representation then. (Janab MD. KHUDA BUKHSH: That is your hope but the Commission has not yet made any recommendation.) From the little experience that I had as an Alderman of the Calcutta Corporation for one term, I will give you certain points and nothing more. Mr. Rafique has said that revaluation was decided two years ago, but nothing new has been done. It is true that we had delayed revaluation but the difficulty was that proper assessment could not be made because some representatives yield to the pressure of their elector and intervene and try to reduce the assessment. Therefore though the revaluation was decided upon two years ago, if it can be finished while the present administration continues, there will be a better chance of assessment being properly done without any pressure or request from some people. As regards income, percentage, etc., I am sure the Hon'ble Minister in charge of the Bill will explain. But however much we may regret supersession and substitution of an elective body we have to consent to the passing of this Bill for the simple reason that the extension of franchise must take place first. In that view, I hope there would be no further opposition to the present Bill.

(The House was then adjourned for fifteen minutes.)

(*After adjournment.*)

Janab ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, the honourable member who spoke just before me has made a bad case worse by his curious and bad advocacy. Leaving that apart, Mr. Speaker, I should like the Hon'ble Minister in charge of the Bill to tell us something about those special windfalls that fell during the year. For instance, the long-standing quarrel about the assessment of the Assembly Hall, between the Government and the Corporation was settled during this year. Similarly the quarrel with the East Indian Railway was also settled this year. And more than that, if my information is correct, and I hope, if I am wrong, I shall be corrected, the normal payments made by the Government to the

Corporation that used to be made at the end of the financial year are now being made quarterly and, thus, the idea of the inflated income even from consolidated rates is rather misleading. I hope better investigation will be made and, as we all desire, the finances of the Corporation shall be placed on surer and better foundations. Mr. Speaker, Sir, reference has been made to one officer doing the work of the Administrator of the Corporation as well as that of the Chairman of the Improvement Trust. You will recall, Sir, that a similar problem arose in Bombay years ago and forces of nationalism ultimately succeeded in bringing the Improvement Trust under the control of the Corporation of Bombay. Thus, I have nothing to say about the same officer doing and carrying out this double duty. But may I suggest to the Hon'ble Minister that the present was not the time when the same officer should have been loaded with so much work, for in Bombay the work of the Corporation and the Improvement Trust goes on in a normal way. Here, if I may use the term with your permission, Sir, the Administrator has to carry out the work of the super-scavenger who will have to cleanse the Augean Stable. Therefore, I would earnestly request the Hon'ble Minister to see that the two institutions which are going to place the city on a better footing are run with greater ease and not by a shuttle-cock running between Netaji Subhas Road and Surendranath Banerjee Road.

Having said that, Sir, may I also suggest that I am one of those unfortunate beings that had suggested that the administration of the Corporation should be handed over to what is known in the continental languages of Europe, as the Burgomaster—that the Corporation should become a department of the Government because so long as elected representatives are there, the traditions under which they have been working for all these years from 1923, cannot and will not be eradicated. Whatever steps the Hon'ble Minister may choose to take, I can almost prophesy that whether we have adult suffrage or whether we have some other form of election, those who will come back to the Corporation will, like the natural leopard, not change their spots as Corporation leopards. These leopards, Sir, will work in co-operation with the officers of the Corporation. I should not say this because the Corporation officers are not here to defend themselves. But the Hon'ble Minister as an ex-Mayor and Corporator knows, as most of us present here know, that without a *liaison* between the members of the different committees and the heads and assistants in the various departments of the Corporation, conditions in Calcutta would not have gone down so badly; on the contrary they might have improved.

It was said by one of the speakers today that assessments and revaluations have now gone on at a better pace, and because there are no members of the Corporation to interfere with this straight path newly built, things have improved. I feel certain, Sir, that those who wielded their influence in the past are still doing so for the good reason that the officials of the Corporation are the same. The poor Administrator cannot watch them at every corner and in every street. So much, Sir, for the actual administration. I could speak at greater length but it will serve no useful purpose repeating facts over which we have spent months and years.

Mr. Speaker, Sir, I propose to make a suggestion to the Hon'ble Minister for what it is worth. I know tendencies today are that even if you make the slightest suggestion from the Opposition benches, in the spoken words of the Hon'ble Ministers and their supporters, you are a fifth columnist, a saboteur, a traitor and a criminal. I am not afraid of these epithets and qualifications. I wonder if the Hon'ble Minister in charge of the Bill will agree with me when I say that it will be difficult for us to alter the mentalities of the voters and the types of men that had been representing them in the past and who will represent them in the future. A radical change has to be made. The old Augean Stable, as Subhash Chandra Bose had said, has to be cleansed. Whether the great institution, established

by Surendra Nath Banerji in the street named after him, is worth continuation should be considered. I have suggested in many circles and quarters and also generally and I now place it before the Hon'ble Minister and his colleagues today, whether they would be prepared to consider the proposition of finishing with the Corporation of Calcutta. My suggestion is that the city should be divided into boroughs. There are 13—now perhaps more—municipalities on the periphery of Calcutta and we could have a dozen or more municipalities or borough councils inside the areas under the Municipal Act and for the huge population that has come now to live within and without it. These smaller municipalities should not be given the powers that the Corporation had. Like London we could have a Calcutta County Council with a smaller number of men, mostly with experience of municipal administration, municipal finance, municipal public utility services and so on, not intended to further any political purposes or any political ideals but intended to serve the citizens with the best possible ability such a County Council may possess. Sir, the idea was discussed in private and some leading experts on municipal affairs agreed with the suggestion because if this was done and a central organization was established, Calcutta would become, as it must become, the first city in India and its citizens would cease to live in the dirt and filth to which they are growing accustomed progressively from day to day.

Mr. Speaker, Sir, there can be many other suggestions put to the Hon'ble Minister if he would care to permit people to make them, but from the little that I have been able to hear from responsible quarters, the *interim* report, on which he is thinking of building the future municipal government of Calcutta will be no better and no worse and the conditions that existed before the appointment of the Commission will continue. I am told that the franchise will be widened and I have heard it said that the representation will be restricted—from 98 it may be brought down to 50 or 60—and that these adult franchise electors will elect those who will again elect the representatives. I am not quite sure of my facts. I hope I shall be corrected if I am making a mistake. But whether the Corporation is of 50 or whether it is of 98, as I have said, the leopard will not change its spots. There will be committees. We had in the last Corporation 13 committees and, if I remember right—I hope friends will correct me—we had three Building Committees and members, if they were not put on these building committees, groused and nursed grievances; and when such grievances are made, what the answer to them would be need not be uttered in this House of Legislature; every one of us knows that.

The Hon'ble Dr. BIDHAN CHANDRA ROY: The echo answers why.

Janab ABDUR RAHMAN SIDDIQI: Then, Sir, when committees of 12 members were working, perhaps things were not so well managed as they would be in committees of five and in committees of six for the same principles and the same methods of administration will continue as they were in the past. What the *interim* report finally will be we cannot say. What further reports this Commission of three gentlemen will make during the remainder of 1949 and the first quarter of 1950, is again in the womb of futurity. But is it worthwhile wasting money, wasting time and wasting energy over a problem that has baffled us for almost a generation? The suggestions thrown out by the *interim* report lead one to the conclusion that the improvement that is coming will be no improvement at all. I would, therefore, respectfully urge upon the Hon'ble Minister in charge to consult with his experts and to consult with his political advisers and then take Calcutta out of the sphere of politics and put it back, with courage, if possible, into the sphere of civics. As it is, Sir, with the advent of Dominion Status and autonomy in our internal affairs, one big decision taken was to take away from the citizens of Calcutta their civic and municipal rights with the best of intentions, I admit, to improve conditions, to make the citizens realise their responsibility towards the city, to improve

its health, to improve all the many things that were rotting, and yet the first steps to self-government in its local form, the first steps to political education of our people were taken away. The result, if justifiable, would justify that action, but I am pessimistic enough to suggest that if things are going to continue as they are about the electors and about their representatives and so on, the result will be a dismal failure.

Janab MUDASSIR HOSSAIN: Mr. Speaker, Sir, I have heard with rapt attention the speeches which have been delivered by my friend Mr. Siddiqi and other members. The only motion which is before this House is whether the time for the continuation of supersession will be increased or extended. That is the only motion which is before the House. Therefore, the question before the House is whether this supersession should be extended for another year as has been demanded by the Prime Minister. It is quite true that my friends here objected and pointed out that the time which is being taken for making all sorts of improvements by appointing a Commission for investigation, improving the matters and putting all things in the right will not be sufficient at the time when the supersession was made. It was at that time that the Hon'ble the Prime Minister said that if it be necessary to have further time, if the investigation be not complete and matters are not set right by that time, then further motion will be made for extending the time of supersession. Now, Sir, the Prime Minister has explained that all things necessary for investigating and coming to a right conclusion and making right all sorts of things have not been done within the short period of time. (Janab Md. Khuda Bukhsh: You call it short?) Yes; for a Corporation with a population of 72 lakhs—a population which has increased from 20 lakhs to 72 lakhs, an enormous population—this time is not enough. Therefore, I say that the motion which he has made for extending the time should be accepted.

As regards the suggestions which have been made by Mr. Siddiqi—he may have run away from the House, but that does not matter; the suggestions were meant for the Ministers, for you the Government—I have no doubt what he has said is absolutely correct. Sir, unless and until the very leopard is driven out and the method of representation are not changed the same persons who used to come will come back again. I have no doubt that it is the Congress party men who will come. Therefore, if you are really in earnest that the matter should be improved, mere extension of the time for supersession will be of no avail. You must go to the root of everything and as you said that the members who were functioning as Corporation were guilty of nepotism, guilty of jobbery and of corruption and even of robbery, and for this reason you superseded it. Now, as my honourable friend Mr. Siddiqi has pointed out this supersession, this right of electing representatives to the Corporation will be of no avail unless and until you go deep into the root-cause of the evil. Therefore, I with all my earnestness beg to lay before you, our Prime Minister and the Government and the Council of Ministers through you, Mr. Speaker, the very suggestions which have been made by my friend Mr. Siddiqi. Just like in England which is a democratic country you divide the whole area into boroughs and there must be the Country Council of Calcutta as in London and as we are adopting everything English it is better to adopt the English method in respect of the administration of the Corporation of Calcutta as well. That is all I have to say.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, the proposition before the House was a simple one, namely, the question of supersession of the Corporation by another year for the purpose of giving time to the Administrator to finish the job entrusted to him by the Act which was passed last year. And, in criticising this proposal, I have heard a series of other proposals the gamut of which runs from that side from Mr. Khuda Bukhsh. Mr. Khuda Bukhsh says, "Give back to Cæsar the thing that belongs to

Cæsar". My friend Mr. Rafique says, "Give to 20 men nominated by Government the administration of the Corporation". Mr. Siddiqi says, "Have the constitution changed; otherwise the leopards will come back again". So, Sir, to my mind these questions, although very important and pertinent, are really not very germane to the proposal that I have in view. I did not purposely go into the question of what the Commission is going to do or is about to do because these things do not directly refer to the proposal before us but, in so far as the matter has been commented upon, I may tell the members of the House that I have got a letter from the Chairman of the Commission to the effect that probably within the course of four weeks he will send us an *ad interim* report with regard particularly to the methods of election and assessment. And, Sir, it seems that in this case again, great minds think alike. Mr. Siddiqi said that he had suggested to certain friends and consulted other experts and came to the conclusion that the future Corporation should be based upon the pattern of the London County Council. I may tell the House that this is one of the matters I have specifically asked the Commission to enquire. I have made three conditions in that, in the first place that it should consist of small units which will be concerned with the day-to-day administration of the local areas; secondly that the County Council, after one is formed, would be concerned with matters which affect several boroughs or several units, matters like roads, like water-supply, like electric-supply, drainage and so on which cannot be undertaken by each unit and, thirdly, that there should be a provision, to my mind, to enlarge this Council by taking in neighbouring municipal areas whenever they want to come into the great unit. There are various reasons why I had said that. There had been various applications or suggestions made by the neighbouring municipalities like Tollygunge and Matiabruz for their incorporation into the Calcutta Corporation. Similarly there have been suggestions from the northern municipalities, in some cases for incorporation into the Calcutta Corporation, as the Corporation constituted as it is at present is not capable of that elasticity and expansion and therefore my specific suggestion to the Commission is to take into account the method of formation of a constitution of the Corporation which can gradually absorb these other smaller units. There is another great reason why this should be done. My friend the Irrigation Minister has taken upon himself the task of finding out the proper solution of the drainage problem of Calcutta and if you want to really solve the question of drainage and water-supply of Calcutta it is essential that you should not restrict your attention merely to the 14 or 15 square miles that now form the Municipality of Calcutta but to have a wider area under your supervision or under your administration, because take for instance the water-supply of Calcutta. It is derived from, as you know, and it comes from Palta where the intake starts and the whole distribution system is started in Talla. Now at Palta intake we have the water of the Ganges contaminated by the different mills that are on either side of the Hooghly whether the mills are situated up the Hooghly above Palta or below the Hooghly. During the ebb tide or the flow tide of the river the effluent, as investigations have shown, contaminates the supply of water that is reaching the tank of Talla and it takes a great deal to eradicate the permanent sources of danger which contamination with effluents from the mills would bring into the water-supply and there is no surprise that diseases like dysentery and typhoid practically are endemic in Calcutta. Therefore if you really want to solve the sanitary problem of Calcutta you have got to take into your ambit larger areas than is now incorporated in the Corporation of Calcutta. All these questions are being investigated and I often meet the Chairman of the Commission to exchange notes and as to how far he has proceeded and I can assure you that he is giving his full attention to this matter. With regard to the suggestion made by Mr. Siddiqi that the present system of administration of the Corporation working through committees has not been very satisfactory it can be shown from the records of the Corporation that often in a committee

the members of the committee work on the plan that you scratch my back, I scratch yours and they divide up all the amenities that are available to the particular committee on that principle. That is a subject which is as old as the human race has existed. There was an old friend of mine who is now dead who used to give me a very good advice. He used to say, "Give a man power, he is bound to abuse it unless he is a superman or unless public opinion is so strong that he dare not abuse the power that is given to him". Unfortunately the members of the Corporation under the old system who were not supermen, let us admit that, and I was one of the members also who were not supermen and they naturally succumbed to the environments unless and until public opinion was formed in favour or against a particular proposal. Therefore it is essential that in the constitution that is to be framed it should be ensured that public opinion has a full influence over the conduct and action of the members who go there to represent the interests of the rate-payers.

Sir, Mr. Siddiqi has made a great deal of the point as if there is a distinction between the words "politics" and "civics". Probably he is aware that one is a Greek word and the other a Latin word, both meaning the same thing, that is, the greatest good to the greatest number, the difference being in the correct appreciation of the two words. Politics ordinarily means party politics, but really it is not so. I hope and trust that those who come either to the Assembly or go to any of statutory bodies would always be enthused with the idea of doing the greatest good to the greatest number. Therefore, politics alone need not make Mr. Siddiqi afraid. As a matter of fact if politics is well conducted and well run, as it should be, it should not only stop the abuses but it should make for the greater good to the larger number. Mr. Siddiqi appears to be a pessimist. I happen to differ from him. I am a confirmed optimist because, I believe, although today we might be making mistakes, although today we might be lending ourselves to the perpetuation of some abuses, the time will come when we shall be able to get out of this rut and give a good account of ourselves in the civic administration of the town. Sir, I strongly add that with this opportunity that we have given to the Administrator who, by the way, is not working alone for the 700 cases of revision, as Mr. Rafique seems to think, but has got his own Executive Officer and the Deputy Executive Officer who also look into those cases, it will be for them to try and do their best within the next year. And I hope and trust that the future constitution of the Corporation would be before the House for its consideration in time, and when it is passed it will be time for us to get an electoral roll framed on the basis of the franchise system that is going to be introduced and accepted by the House so that we might have the Corporation back again in the hands of the elected representatives of the people.

The motion of the Hon'ble Dr. Bidhan Chandra Roy that the Corporation of Calcutta (Temporary Supersession) Amendment Bill, 1949, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to move that the Corporation of Calcutta (Temporary Supersession) Amendment Bill, 1949, as settled in the Assembly, be passed.

The motion was put and agreed to.

The West Bengal Money-lenders (Amendment) Bill, 1949.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I beg to introduce the West Bengal Money-lenders (Amendment) Bill, 1949.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I beg to move that the West Bengal Money-lenders (Amendment) Bill, 1949, be taken into consideration.

Sir, briefly the necessity for this Bill has arisen thus: Under the definition of the term "money-lenders" as given in section 2(13) of the Bengal Money-lenders Act, 1940, the Reserve Bank of India also is covered. Thus that Bank comes under the purview of the Money-lenders Act. But as the advances of the Reserve Bank as a bankers' Bank to banking institutions are clearly of a different nature from ordinary money-lending it is necessary to exempt the Reserve Bank from the operation of the Act. The suggestion that the problem may be solved by declaring the Reserve Bank to be a notified Bank under section 3 of Bengal Money-lenders Act, 1940, was examined in consultation with the Reserve Bank and the Legal Remembrancer of West Bengal. Both the Reserve Bank and our legal officer advised that the suggestion was legally unsound. The only alternative therefore was to amend the Bengal Money-lenders Act of 1940 so as to exempt the Reserve Bank from its operation, and therefore, Sir, the Government has thought fit to have this small amending Bill prepared which is now before the House. And I hope, Sir, that in the interest of the needs of the banking institutions in this province which had suffered serious crises recently it is essential that this House must enact every measure whereby the banking institutions may run on sound lines and undue handicaps may be eliminated.

I therefore commend this Bill to the acceptance of the House.

The motion of the Hon'ble Sri Niharendu Dutt-Mazumdar that the West Bengal Money-lenders (Amendment) Bill, 1949, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I beg to move that the West Bengal Money-lenders (Amendment) Bill, 1949, as settled in the Assembly, be passed.

The motion was put and agreed to.

Adjournment.

The House was then adjourned at 6-15 p.m. till 4 p.m. on Friday, the 21st January, 1949, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 21st January, 1949, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 10 Hon'ble Ministers and 61 Members.

Obituary.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, before proceeding with the business of the House, may I have your permission to refer to the death of Sir Tej Bahadur Sapru? If you permit, Sir, I can say a few words or if you do it from the Chair, nothing would be better.

Mr. SPEAKER: I think I would do it from the Chair.

Ladies and gentlemen, it is a very painful duty of mine to refer to the death of Sir Tej Bahadur Sapru. He was an outstanding figure in the political firmament of our country for a very, very long time. He died at the age of 74, but he entered politics in the beginning of the present century. He was an eminent jurist, a great constitutional lawyer and an erudite scholar and a man of great integrity and honesty. Since 1906 he was associated with the Indian National Congress. He was a member of the All-India Congress Committee and at one time occupied the position of even the Secretary of the Indian National Congress. After the advent of the new policies under the guidance of Mahatmaji, though he separated his connection with the Congress, he always maintained his nationalist outlook throughout his life. He joined in the boycott of the Simon Commission. He served as a member of the Nehru Committee which formulated the Indian demands from the points of view of all parties concerned. He acted as mediator throughout the talks, whenever difficulties arose, between the Government and the Congress. In 1944 he was appointed as the President of the Council of International Affairs. We are very sorry for his death. Though he died at mature age, his services were too valuable to be ignored.

I believe, ladies and gentlemen, you all agree that a message of condolence of this House should be conveyed to the members of the bereaved family and I will request you to give your assent by rising in your seats.

(Members rose in their seats.)

Thank you, gentlemen. Please take your seats. Secretary will do the needful.

STARRED QUESTIONS

(to which oral answers were given)

General Elections of the Corporation of Calcutta.

***17. Sri ANANDILAL PODDAR:** (*a*) Will the Hon'ble Minister in charge of the Health and Local Self-Government Department be pleased to state whether it is a fact that the General Elections of the Corporation of Calcutta will be held in March, 1949?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state if the electoral rolls for the same are under preparation?

(c) If the answer to (a) is in the negative, will the Hon'ble Minister be pleased to state how long the Corporation will continue to be under supersession?

MINISTER in charge of the HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Dr. Bidhan Chandra Roy): (a) No.

(b) Does not arise.

(c) It is expected not to go beyond 31st March, 1950.

Condition of roads in Calcutta.

*18. **Sri BIMAL COMAR GHOSE:** (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the roads in the city of Calcutta are in a state of deterioration?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) the reasons therefor; and

(ii) the steps taken or proposed to be taken to maintain the roads in good condition?

The Hon'ble Dr. BIDHAN CHANDRA ROY: (a) A number of roads in the city are in a condition that requires thorough repairs.

(b) (i) The reasons are—abnormal heavy military traffic during the war, inability to render proper maintenance service during the war years, difficulties in obtaining stone metal and stone chips on account of difficulties in securing railway wagons.

(ii) Recently arrangements have been made for securing railway wagons for the Corporation of Calcutta for carrying the materials from Pakur but until movement considerably improves, maintenance can be confined to patch repair work only.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Premier be pleased to state if he is aware that in the matter of repairs there is considerable partiality shown as between roads and roads—some are favoured while others are completely neglected?

The Hon'ble Dr. BIDHAN CHANDRA ROY: I have no knowledge.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Premier be pleased to state if he will enquire into the matter and if such a state exists, he will try to restore some measure of equity as between rich and poor roads?

The Hon'ble Dr. BIDHAN CHANDRA ROY: If I find partiality, it is my duty to remove it.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Minister be pleased to state if he is aware that one of the worst sufferers of this deplorable condition of roads of Calcutta are the motorists whose repair bills have considerably increased?

The Hon'ble Dr. BIDHAN CHANDRA ROY: I have not made any calculation.

Sri BIMAL COMAR GHOSE: Will the Hon'ble Premier please enquire into the matter and if he is satisfied about that, will he consider the desirability of giving some concession in the matter of road tax for motorists?

The Hon'ble Dr. BIDHAN CHANDRA ROY: I am afraid I cannot give any answer.

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if the Corporation had realised the sum of Rs. 25 lakhs from the military authorities towards the repair of the roads of Calcutta?

The Hon'ble Dr. BIDHAN CHANDRA ROY: I cannot say. I want notice.

Shaik MOHAMAD RAFIQUE: Will the Hon'ble Minister be pleased to state if it is a fact that wagon scarcity has eased down and wagons are now available in plenty as per statement of the Agent of the East Indian Railway?

The Hon'ble Dr. BIDHAN CHANDRA ROY: I do not know wherefrom Mr. Rafique has received that information.

Shaik MOHAMAD RAFIQUE: From the Advisory Committee of the East Indian Railway.

The Hon'ble Dr. BIDHAN CHANDRA ROY: He may be on the committee of the East Indian Railway, but I meet the committee every week and I can tell him that the difficulty is not merely in the number of wagons but also the siding at Pakur—the number of wagons that can be taken from Pakur and so on.

Housing scheme for lower middle class people.

***19. Janab MOLLA MOHAMMAD ABDUL HALIM:** (*a*) With reference to the Budget Presentation Speech of the year 1948-49 on the subject of housing schemes for lower middle class people for which 50 lakhs of rupees have been provided by Government in the Budget (*vide* page 29 of the Budget Statement), will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) whether any scheme in regard thereto has been prepared by the Government;

(*ii*) if so, when the scheme is likely to be given effect to; and

(*iii*) whether the scheme provides facilities for low-paid Government employees to own houses on instalment basis?

(*b*) Is the Hon'ble Minister considering the desirability of laying on the Table the full details of the scheme, if any?

The Hon'ble Dr. BIDHAN CHANDRA ROY: (*a*)(*i*) A scheme was prepared but, early in the year, we were informed that there was no chance of getting the money from the Government of India this year and the final preparation of the scheme was postponed.

(*ii*) The scheme has been temporarily kept in abeyance because of the above.

(*iii*) It was the intention that middle class people, irrespective of whether they were Government employees or not, should be helped to build dwelling houses, if they could join to form Co-operative Housing Societies.

(*b*) The question does not arise.

Pre-censorship on newspapers "Nutan Sambad" and "Sambad".

***20. Sri JYOTI BASU:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether a pre-censorship order under the West Bengal Security Act, 1948, has been imposed on the Bengali daily newspaper *Nutan Sambad* and another Bengali daily *Sambad*?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether in either case any warning was given about their offences?

(*c*) If so, what was the nature of the warning and what were the editorials, articles or news items objected to by the Government?

(*d*) If no warning was given, what was the reason thereof?

(*e*) Will the Hon'ble Minister be pleased to state the reasons for subjecting both the papers to such punishment?

(*f*) Will the Hon'ble Minister be pleased to state—

(*i*) the general principles which will guide the censor; and

(*ii*) how long the pre-censorship order will continue?

The Hon'ble Dr. BIDHAN CHANDRA ROY (on behalf of the Hon'ble Sri Kiran Sankar Roy): (*a*) Yes

(*b*) No warning was given to the papers concerned.

(*c*) Almost every issue of these papers contained articles, comments and news items whose sole object obviously was to vilify the administration and to arouse hatred against the Government based on deliberately false propaganda. These two papers also specialised in publishing matters relating to Industries mainly with the object of fomenting strife between employers and workers.

(*d*) It is not obligatory on the part of the Government to warn a newspaper under the existing laws. Warnings are, however, given when a newspaper technically violates any of the existing laws. If the Government are satisfied that a newspaper has been systematically publishing matters which are likely to have undesirable repercussions on the safety and stability of the Province, action is taken straightaway.

(*e*) The reasons for subjecting both papers to pre-censorship were to exercise effective check against their publication of the type of matters mentioned in (*c*) above.

(*f*)(*i*) The principle underlying censorship is to see that nothing is published which offends any of the existing laws.

(*ii*) Until normalcy returns.

UNSTARRED QUESTION

(answer to which was laid on the table)

Alleged excesses on minority community by police at Santipur, Nadia.

10. Janab A. F. M. ABDUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is aware—

(*i*) that excesses have been committed on the people belonging to minority community at Santipur, Nadia, by local police and by some local people belonging to majority community; and

(*ii*) that the people of minority community have migrated and are still migrating from Santipur for the above reason?

(*b*) If the answer to (*a*) is in the affirmative, will he be pleased to state—

(*i*) the number of such migrated people; and

(*ii*) the steps Government propose to take to stop such migration by restoring confidence in the minds of minority community there?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Sri Kiran Sankar Roy): (*a*)(*i*) No excesses were committed on the minority

community in Santipur by the police. Some Hindus attacked some Muslim houses following molestation by some Muslims of three Hindu girls on 19th July, 1948, and the finding of the head of a freshly slaughtered cow on the 20th July, 1948, in a roadside bamboo clump adjoining the Hindu locality in Santipur. One Muslim was killed and seven were injured. The police promptly appeared and restored peace. Cases were started against the miscreants of both communities.

(*ii*) Some Muslims went to Pakistan immediately after the incident, but most of them returned shortly afterwards.

(*b*) (*i*) The exact number is not known but was insignificant.

(*ii*) Superior officers including the District Magistrate and the Superintendent of Police visited the locality and were accompanied by local M.L.As. Strong police pickets were posted and the recurrence of incidents has been effectively stopped. The measures taken by the local officers have already restored confidence in the minds of the Muslims who are now living peacefully along with their Hindu neighbours.

Adjournment Motion.

Janab Md. KHUDA BUKHSH: Sir, I rise to move that the business of the Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the police action resulting in the death of five persons and injuries to over 50 persons on 19th January, 1949, in the College Square area, Calcutta.

Mr. Speaker, Sir, the students are very much in the news again. They have again clashed with the authorities and as is their wont, have taken everything the authorities chose to give them—tear gas shells, lathis and bullets. This, of course, is nothing new to the students. On the call given by their leaders the students have in the past braved police assaults and bullets. Repression never deterred them nor could police savagery move them an inch from their purpose. Government have perhaps forgotten that the British bureaucratic police under a redoubtable Deputy Commissioner did not succeed in removing the students from the Dharamtala Street. The students received bullets and died but did not yield. Such is the stuff the students are made of.

If the Congress leaders have forgotten the past, they could at least take lesson from the incident on Tuesday last. For the sake of the prestige of the police and their section 144 they used tear-gas, made lathi charges, and when these failed shot down four students. But did this strike terror in the hearts of the students and deter them from their objective? It did not. On the other hand, it strengthened them in their resolve and determination, and the ugly tension caused by the behaviour of the Police gradually assumed the proportions of a fight between the students and the authorities.

Now, has anybody cared to trace the aetiology and the genesis of the present disturbances? The savagery of the Police on the student processionists on the Indonesian Day made a deep impression on them and the question of invoking the rigours of section 144 on them began to agitate their mind. Then in quick succession came the police action on the refugees on the 14th. The student mind became greatly exercised over the motive of section 144 imposed by the police presumably for the purpose of prevention of subversive activities.

The Hon'ble Dr. BIDHAN CHANDRA ROY: On a point of order, Sir. Is it your ruling that in discussing the specific point that has been raised in the notice, namely the question of police action resulting in the death of five persons and injury to 50 persons on 19th January, 1949, it is open to him to refer to Indonesian and other processionists? If so, I shall have to give the answer in that way.

Janab Md. KHUDA BUKHSH: Sir, I am presenting the background that led to the tragic incident.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I want a ruling from the Chair.

Mr. SPEAKER: I think the speaker is in order; he can refer to the past incidents.

Janab MD. KHUDA BUKHSH: Presumably, as I was saying, the promulgation of section 144 was for the prevention and suppression of subversive activities. They began to feel that neither the Indonesian Day demonstration nor the demonstration by the refugees could have any subversive intent. Then why should the police look upon these demonstrations with disfavour and use their brute might to disperse them? Nobody in the Government took any notice of these two incidents and the repercussions they might have on the impressionable student mind. Some in high quarters in the Congress had even the temerity to suggest that the refugee question did not concern the students. It did not perhaps occur to them in their many preoccupations and manœuvrings for power that a large proportion of the student community in Calcutta are directly or indirectly related to the refugees. Apart from that it is the height of foolishness to suggest that the students should not take an intelligent and active interest in the problem of the refugees. Sir, I have perhaps been digressing. Then came the meeting of the students in the University compound on Tuesday. Why the students gathered in a meeting and why is it that they took a resolve to proceed to the Secretariat nobody bothered to enquire. And what is criminal is that nobody from the Government chose to go and address the students in the University compound. From the scrappy ill-worded press statement issued by Government in supreme unconcern it is gathered that four precious lives were lost and some 20 seriously injured and that the procession of tragic events commenced at 1-30 p.m. and all was quiet by 8 p.m. There is no expression of regret on the part of the Government at the loss of lives and no sympathies for the bereaved families. The figures were published much as the High Command published the figures of enemy casualties. Incidentally I find that the Hon'ble the Chief Minister has expressed his sympathies for the bereaved families in his latest statement. Good sense has dawned on him. Better late than never. The Government felt that their duty was over by trying to fix the guilt and responsibility on the subversive elements in the society and on the communists. I ask the Government: do they seriously believe that all the student agitators are communists? Supposing they are, the methods the Government have employed were bound to miscarry as indeed they have. The Government have to punish the miscreants; that is understandable, but the punishment should not be such that draws public sympathy towards the punished. But this is exactly what this Government have prescribed.

Sir, I refuse to believe that this student agitation is inspired by communism or any other *ism*. The sensibility of the student mind has been moved to its profoundest depths and it is their moral ardour for a cause that has sustained them in the face of this brutal police action day after day. An eminent physician who leads the Government today has completely erred in his diagnosis and has prescribed a medicine which instead of allaying the disease has aggravated it. As the Prime Minister of West Bengal he should have his hand on the pulse of the student community, as indeed on that of the entire nation. He, by his indifference, his callousness, has been accessory to the murder of nine precious students, our very own, blood of our blood, flesh of our flesh. He should never have stood on false notions of prestige. He should have gone and met the students and persuaded them to realise that the path they had taken was wrong. If the students had erred, it should have been pointed out to them with the loving care expected of our leaders. They should not have been

consigned to the savage and barbarous police who while effecting arrests kicked them, pulled them by the hair and assaulted them with the butts of their guns on Tuesday. Much of the lawlessness is directly ascribable to this savage behaviour of the police who succeeded in turning the band of students fired by zeal and idealism into common rowdies and hooligans. Even on Wednesday the situation could have been saved and what is more loss of precious lives could have been prevented by the timely intervention of people with sympathy and imagination. What was after all the demand of the students? They wanted the dead body of a student ostensibly for the purpose of taking it in procession to the cremation ground. I do not know why the police refused—presumably again for the prestige of section 144. It is an irony that this section originally promulgated to save people's lives has succeeded in killing more people than it has been able to save. I cannot think that the Government would go to the length of denying that with all their intelligence men posted here, there and everywhere they did not know that preparations were being made by the students to proceed to the morgue to demand the body. I understand that the body was made over to the students yesterday. Why did not the Government face the students in the Medical College compound on Wednesday and accede to their request? What they did yesterday they could have done the day before and obviated the tragic happenings. Heavens would certainly not have fallen if Government relaxed section 144 and prescribed the route for the procession.

They have relaxed section 144 for the Netaji Day. Well, what stood in the way of the Government on Wednesday? Or have they in these troublous times kept their brain boxes in the strong room of Lal Bazar so that they may not be robbed by the Communists? This Government is supposed to be a popular Government with the support of the nation behind it. Why is it then that they are afraid to meet the students? Where are the Congress organisation and the Students Congress? If the Government have failed in their duty they should come forward and take the situation in hand. The situation is now desperate and the passions of the student community have been inflamed and they are indulging in acts of pure hooliganism. They have started setting fire on tramcars and buses. Life in one section of the city has been paralysed. The disturbances are spreading. The students must be told that they should not contribute to create conditions where disorder could rear its ugly head. They should be told in unequivocal language that what they are now doing helps none save anti-social forces. By their attack on the city's none too adequate transport system they are augmenting the miseries of the citizens of Calcutta. The students must no longer be left to themselves and the police. The Government should realise, the leaders should realise that the police shall never be able to control the students and the Government should now issue clear instructions that they might be left severely alone by the police. Let us not forget that the students are our future hope and I will implore and beseech you to treat them right. What change has come upon you? What is this psychology of leaving everything to the police? There was a time and not in the distant past when students were attracted to you. You did not have the ministerial gaddis then. They were attracted to you for your personal qualities of leadership and understanding. Now that you are installed in power they should be all the more attracted to you because they installed you in power. Then has power corrupted you and you no longer possess those personal qualities? An answer to this will be found in your approach to this problem.

Dr. SURESH CHANDRA BANERJEE: মাননীয় স্পীকার মহোদয়, আজ যে আমরা এই পরিষদকক্ষে বসে এই মুলতুবী প্রস্তাব সম্বন্ধে আলোচনা করতে সমর্থ হয়েছি সেজন্য আমাদের সকলের ভগবানকে ধন্যবাদ দেওয়া উচিত। ১৯শে জানুয়ারী রাত্রে সহরের বিভিন্ন রাস্তায় এই মর্মে প্রাচীরপত্র মারা হয় যে ২০শে জানুয়ারী দুপুর বারটা হতে রাইফেল ধরবার জন্য বৈপ্লবিক সংস্থাদের সচনা হবে। তখ তারা

প্রচারিতমাত্র শান্তিরেই ক্ষান্ত হয়নি, লক্ষ লক্ষ নিরস্ত্রেই নানা সময়মত ও শ্রমিক অঞ্চলে বিতরণ করে। তা করেই তারা সন্তুষ্ট হয়ে বসে থাকেনি। তারা বিভিন্ন হোটেল ও মেডিংএ ঘিরে ছাত্রদের এবং শ্রমিক অঞ্চলে বিভিন্ন কারখানার ঘিরে শ্রমিকগণকে এই বলে উত্তেজিত করতে সুরু করে যে ২০শে জানুয়ারী ঠিক ১২টায় সময় হতে সব স্কুল, কলেজ, ও কারখানা বন্ধ করতে হবে, জলের কল ও বিদ্যুতের প্রবাহ বন্ধ করে এবং সাধারণ ব্যাপক হরতাল করে বৈপ্লবিক সংগ্রামের সূত্রপাত করতে হবে—এবং সেই সংগ্রামের উদ্দেশ্য হবে রাষ্ট্রশক্তি অধিকার। আমার বিশ্বাস জনাব খোশবক্ত সাহেব একথা জানেন না। তারপর গতকল্য কি হয়েছে তা আপনারা সকলেই অবগত আছেন। কম্যুনিষ্ট ও তাদের সহযাত্রী অন্যান্য দলের প্রাণপণ চেষ্টা সত্বেও কলিকাতা ও সহরতলীর শ্রমিক অঞ্চলে হাজার হাজার কারখানার মধ্যে মোটে ৭টা কারখানা ছাড়া হরতাল করা সম্ভব কোথাও হয়নি। গতকল্য একটি শ্রমিকও তাদের পক্ষে যোগ দিয়েছে কিনা সন্দেহজনক। এছাড়াও তারা চেষ্টা করেছিল বিভিন্ন কলেজ ও হোষ্টেল হতে ছাত্র সংগ্রহ করে বিভিন্ন পার্কে সমবেত হয়ে সেই সব স্থান হতে শোভাযাত্রা বাহির করে এসেম্বলী অথবা রাইটার্স বিলডিংএর দিকে যেতে। কিন্তু যাঁরা সে দিন রাস্তায় বেরিয়েছিলেন তাঁরা নিশ্চই দেখে থাকবেন যে কেবলমাত্র একটি শোভাযাত্রা যাদবপুর কলেজ থেকে ১০০টি ছাত্র নিয়ে বেরিয়েছিল, এবং সেই শোভাযাত্রা রাসবিহারী এভিনিউ পর্য্যন্ত আসার পর পুলিশের সামান্য চেষ্টায় ভিন্নে যায়। কম্যুনিষ্টরা হেদুয়াতে একটা মিটিং করতে চেষ্টা করেছিল। পুনঃ পুনঃ চেষ্টা সত্বেও সে মিটিং করা তাদের পক্ষে সম্ভব হয়নি। হেদুয়াতে, পুলিশ কাঁদুনে গ্যাস ব্যবহার বা লাঠি চার্জ কিছুই করেনি—কম্যুনিষ্টরা প্রাণপণ চেষ্টা করেও ছাত্রদের সমবেত করতে পারেনি।

আমি অনেক বৈপ্লবিক সংগ্রামের ইতিহাস পড়েছি, এবং আশা করেছিলাম যে, যে বৈপ্লবিক সংগ্রামের সূত্রপাতের চেষ্টা কম্যুনিষ্টরা করছিল তা হয়ত খানিকটা সফলতা লাভ করতে পারে, কিন্তু তা মোটেই করতে পারেনি। তারা ব্যর্থ হয়েছে। তারা যে এতটা ব্যর্থ হবে, তা আমি কল্পনাও করতে পারিনি। জনাব খোশবক্ত সাহেব বলেছেন যে কম্যুনিষ্ট আন্দোলন বেড়ে যাচ্ছে। কিন্তু, আমি তাঁকে জিজ্ঞাসা করি আজকে কি তিনি কলিকাতা সহরে বার হয়েছিলেন, যদি বার হতেন তবে দেখতে পেতেন যে সর্বত্রই সম্পূর্ণ শান্তি সহকারে কাজ চলেছে। আজ কোথাও কোন গোলমাল নেই। তিনি ঘরের ভিতর ছিলেন তাই এই সমস্ত কথা লিখে এনেছেন। বাস্তবের সঙ্গে এর কোন সম্পর্ক নেই। যদি এই কয়দিন তিনি রাস্তায় বার হয়ে ঘুরে দেখতেন তাহ'লে তিনি অন্য রকম বক্তৃতা করতেন। কম্যুনিষ্টদের এত চেষ্টা সত্বেও আজ বিপ্লবের কোন চিহ্ন নাই—সব শান্ত হয়ে গিয়েছে—তার কারণ জনসাধারণ এখনও কংগ্রেসকেই ভালবাসে। কলিকাতায় চারটি শ্রেণীর লোকের বাস—শ্রমিক শ্রেণী, ছোট ছোট দোকানদার, মধ্যবিত্ত শ্রেণী, যারা ডেলাউসি স্কোয়ারের চতুর্দ্দিকে সওদাগরী অফিসে চাকরী করে, আর ছাত্র সম্প্রদায়। আমি আগেই বলেছি ২০শে জানুয়ারী শ্রমিকদের মধ্যে শতকরা ১ জনও হরতাল করেনি, প্রায় সব কারখানারই কাজ পূর্ণ উদ্যমে চলেছে। সেদিন একটি দোকানও বন্ধ হয়নি। সওদাগরী অফিসের মধ্যবিত্ত শ্রেণীর কেহই বিপ্লবে যোগ দেয়নি এবং ছাত্রদের মধ্যে খুব বেশী হয়তো ৩০০শোর অধিক এতে যোগ দেয়নি। কাজেই গোলমাল সহজেই শান্ত হয়ে গিয়েছে। ব্যবস্থা পরিষদের গত অধিবেশনে "ওয়েষ্ট বেঙ্গল সিকিউরিটি এমেণ্ডমেণ্ট" বিলের আলোচনা প্রসঙ্গে আমি বলেছিলাম যে কম্যুনিষ্টরা আপ্রাণ চেষ্টা করছে একটা বিপ্লবের জন্য। আমি বহুদিন যাবৎ শ্রমিকদের মধ্যে কাজ করছি, সুতরাং শ্রমিকদের সঙ্গে আমার বিশেষ ঘনিষ্ঠ সম্পর্ক রয়েছে। কম্যুনিষ্টদের সঙ্গেও আমি কাজ করেছি। যদিও তারা ভিন্ন পথাবলম্বী তবুও তাদের সঙ্গে আমার একটু ঘনিষ্টতা আছে—তার কারণ, কর্মক্ষেত্রে প্রায়ই আমার সঙ্গে তাদের দেখা হয়; এবং তারা কিভাবে কোন উদ্দেশ্য নিয়ে কাজ করে সে খবরও আমি রাখি। তাই কম্যুনিষ্টদের সম্ভাব্য বিপ্লব প্রচেষ্টার কথা মনে রেখেই আমি এই West Bengal Security Act সমর্থন করেছিলাম। আজ বোধ হয় সকলে বুঝতে পারছেন, যে কথা আমি পূর্বে বহুবার বলেছিলাম, যে "কম্যুনিষ্টরা শীঘ্রই হিংসা ও ধ্বংসাত্মক কাজের পথে বিপ্লব আরম্ভ করছে", তা অতি সত্য। তারা ধ্বংস করবার চেষ্টা করছে অনেক ভাল ভাল প্রতিষ্ঠান। তারা ট্রামের পাম্পিং ষ্টেশন ও পাওয়ার গ্রীড পাম্পিং ষ্টেশন ধ্বংস করবার চেষ্টা করেছিল। যদি শ্রমিকগণ কংগ্রেসের অনুরক্ত না হত তবে তারা পাম্পিং ষ্টেশন দুইটী ধ্বংস করতে সক্ষম হত এবং কলিকাতা সহর বরফা জলে ভেসে যেত এবং পানীয় জলের অভাবে সকলকে হাহাকার করতে হত। আমি জানতাম যে এই ধরণের ঘটনা ঘটবে এবং শুধু তাই নয় আরও অনেক ঘটনা ভবিষ্যতে ঘটতে পারে—তার আমি উল্লেখ করতে চাই না।

এই হল চিত্রের একদিক। চিত্রের অন্যদিকও আছে। তা হচ্ছে—আমাদের কংগ্রেসের প্রোগ্রাম—আমরা কি চাই। কংগ্রেসের এতদিন পর্যন্ত উদ্দেশ্য ছিল—ভারতকে বৃটিশ শাসন থেকে মুক্ত করা, পরাধীন ভারতকে স্বাধীন করা। কংগ্রেসের সে উদ্দেশ্য সফল হয়েছে (A voice: Question.) এখন

কংগ্রেসের উদ্দেশ্য হচ্ছে, স্বাধীন ভারতে শান্তিপূর্ণ উপায়ে শ্রেণীহীন গণতন্ত্র প্রতিষ্ঠা। জয়পুর কংগ্রেস-অধিবেশনেও এই ধরণের প্রস্তাব পাশ হয়েছে। শ্রেণীহীন সমাজ ও সাম্যবাদী সমাজের মধ্যে কোন পার্থক্য নেই। সুতরাং Communismএর সঙ্গে কংগ্রেসের কোন বিরোধ নেই। আমরাও সাম্যবাদ চাই। আমরাও চাই দেশের সকলে সমান ভাবে সুখী থাকুক। বর্ত্তমানে গরীব ও ধনীর মধ্যে যে বিষম পার্থক্য আছে তা দূর হয়ে যাক; সকলেই সমান ভাবে খেয়ে পরে সুখে থাকুক। তাই আমরা চাই। (A VOICE: মুখে না কাজে।) সুতরাং এ বিষয়ে সাম্যবাদের সঙ্গে আমাদের কোন পার্থক্য নেই। আমাদের সঙ্গে বিরোধ হচ্ছে—Communist Party of Indiaর সঙ্গে। Communist Party of India—সাম্যবাদ প্রতিষ্ঠা করতে চায় হিংসার পথে। আপনারা জানেন গত ট্রামওয়ে ষ্ট্রাইকের সময় এখানকার কম্যুনিষ্টরা কিভাবে কাজ করেছে। তারা bomb ছুড়েছে; stab করেছে। এবং এ কয়দিনও Communistরা বহু bomb ছুড়েছে—তাতে বহু লোক হত আহত হয়েছে। আশাকরি প্রধানমন্ত্রীমহোদয় এ বিষয়ে বিবরণী দেবেন। Communistদের সঙ্গে কংগ্রেসের পার্থক্য হচ্ছে—Communist Party of India ভারতের সাম্যবাদ প্রতিষ্ঠা করতে চায় হিংসা ও ধ্বংসের পথে—Sabtoageএর পথে। আমরা চাই– শান্তির পথে, যে শান্তির পথে আমরা পরাধীন ভারতকে স্বাধীন করেছি, বৃটিশের কবল থেকে মুক্ত করেছি, এখনও সেই রকম শান্তির পথে প্রতিষ্ঠিত করতে চাই—ভারতে Communism, classless শ্রেণীহীন Society. এই উদ্দেশ্য সম্পর্কে Communist Partyর সঙ্গে আমাদের কোন পার্থক্য নেই। পার্থক্য হচ্ছে—পথ সম্বন্ধে। Communist Partyর সঙ্গে আমাদের আর একটা গুরুতর পার্থক্য আছে। সেটা হচ্ছে—

Janab Md. KHUDA BUKHSH: On a point of order, Mr. Speaker. The subject-matter under debate is the action of the police on certain days, but what the honourable gentleman has been treating the House with is a discourse on Congress idealism versus communist idealism. Is it germane to the issue that is before the House or is it irrelevant?

Mr. SPEAKER: I think the speaker is in order because he is refrring to the genesis of the Congress party.

Dr. SURESH CHANDRA BANERJEE: সেটা হচ্ছে—বৈদেশিক রাষ্ট্রনীতি সম্বন্ধে। আমাদের নিজেদের মত হচ্ছে বিদেশ সম্পর্কে আমরা সম্পূর্ণ স্বাধীন হতে চাই—যখন যার সঙ্গে সুবিধা তার সঙ্গে আমরা স্বাধীনভাবে সম্পর্ক রাখব। কোন পররাষ্ট্রের সঙ্গে আমরা পাকাপাকিভাবে সম্বন্ধবদ্ধ হতে চাই না। কিন্তু রাশিয়ার সঙ্গে Communist Partyর কি সম্পর্ক সে কথা আপনারা সকলেই জানেন। এই দুই বিষয়ে Communist Partyর সঙ্গে আমাদের বিশেষ কোন পার্থক্য কিন্তু [মোটের উপর সাম্যবাদ সম্বন্ধে তাদের সঙ্গে আমাদের বিশেষ কোন পার্থক্য নেই।

এত গেল শ্রেণীহীন সমাজ স্থাপনার কথা। এধরণের সমাজ ভারতে প্রতিষ্ঠা করতে ৫।১০।১৫ বৎসর লাগতে পারে কিন্তু অবিলম্বে ভারতবর্ষে গণতন্ত্র প্রতিষ্ঠাই হচ্ছে এখনকার উদ্দেশ্য। গণতান্ত্রিক স্বাধীন ভারতে গুলি ছোড়ার কথা ভাবতেও পারা যায় না। গণতন্ত্রে গভর্ণমেণ্ট আমাদের উপর গুলি ছুড়বে একথা কল্পনাও করা যায় না। কিন্তু গণতন্ত্রে যেমন গভর্ণমেণ্টের দায়িত্ব আছে—গুলি না ছোড়া; তেমনি জনগণেরও দায়িত্ব আছে। তাদের দায়িত্ব হচ্ছে—তারা যা কিছু কাজ করবে, আইনের গণ্ডির ভিতর থেকে করবে।

(At this Stage the blue light was lit).

আমার আর একটু সময় দরকার--

Mr. SPEAKER: Dr. Banerjee, I may inform you that I have no power to extend the time limit in this debate.

Dr. SURESH CHANDRA BANERJEE: Democratic Stateএ জনগণের, জনসাধারণের যেমন কর্ত্তব্য হচ্ছে আইনের গণ্ডির ভিতর কাজ করা, তেমনি গভর্ণমেণ্টের কর্ত্তব্য হচ্ছে জনগণকে রক্ষা করা। জনগণ যদি সেখানে আইন অমান্য করে, আইনের গণ্ডির ভিতর থেকে কাজ না করে, তখন গভর্ণমেণ্টের কর্ত্তব্য হচ্ছে আইনের মর্য্যাদা রক্ষা করা। যখন একদিকে জনগণ চেষ্টা করে আইন ভাঙতে, এবং অন্যদিকে বাধ্য হয়ে গভর্ণমেণ্ট চেষ্টা করে আইন রক্ষা করতে, তখন উভয়ের মধ্যে সংঘর্ষ বাধবেই। এটা গণতন্ত্রের একটা tragedy এবং এই ধরণের একটা tragedyর সামনে আমরা উপস্থিত হয়েছি।

Mr. Speaker, Sir, I now wish to say something in English. We are now in the midst of such a tragedy. If India had been a totalitarian state .....(At this stage the member having reached the time-limit resumed his seat).

Janab ABUL HASHEM : মাননীয় পরিষৎপাল মহাশয়, আমি আপনার মারফৎ সহজ বাংলাভাষায় কয়েকটি কথা বিশেষভাবে বিবেচনার জন্য আমাদের জনপ্রিয় মন্ত্রিসভা তথা কংগ্রেসদলকে বলতে চাই। কলিকাতায় রাস্তার দিনের আলোয় যে সমস্ত ঘটনা ঘট্‌তে দেখা গেছে কোন শান্তিপ্রিয় ব্যক্তি, দেশের এবং জনসাধারণের মঙ্গলকামী ব্যক্তি তাকে সমর্থন করতে পারেন না। এই প্রস্তাব যিনি উত্থাপন ক'রেছেন--আমার বন্ধু জনাব খোন্দকার সাহেব --তাঁর মনের কথা আমার যতদূর জানা আছে তাতে এই কথা নিশ্চিত ক'রে বলতে পারি যে তিনি এই প্রস্তাব এই সমস্ত অপকর্ম সমর্থনের জন্য আনেন নাই। আমি গভর্ণমেণ্টের বিরুদ্ধে এই অভিযোগ করি--যা খোন্দকার সাহেবও নিজের বক্তৃতার মধ্যে স্পষ্ট কোরে জানিয়েছেন--যে তাঁরা যুবশক্তিকে যথাযথ সমাদর এবং সদ্ব্যবহার করতে সক্ষম হন নি। এই সমস্ত অশান্তি সৃষ্টির মধ্য দিয়ে জনসাধারণের গভীর দুঃখ এবং কষ্ট উদ্ভূত হচ্ছে। একথা ভুল্‌লে চল্‌বে না যে শুধু বাংলাদেশে নয়, পৃথিবীর সর্বত্র এবং সর্বযুগে যুবকেরা জাতির শক্তির উৎস। বৃদ্ধের মস্তিষ্ক এই যুবশক্তিকে যে সময় ভালপথে পরিচালিত করতে পারে সেই সময় সেই জাতির ইতিহাসে আমরা জাতির সমৃদ্ধিই দেখ্‌তে পাই। কিন্তু যেখানে নেতৃত্ব এই যুবশক্তিকে যথাযথ সমাদর করতে পারে না—

Shaik MOHAMAD RAFIQUE : Mr. Speaker, Sir, can we have a copy of the newspaper which the Hon'ble Minister is reading ?

Mr. SPEAKER : Please don't read.

Janab ABUL HASHEM : যেখানে নেতৃত্ব যুবশক্তিকে যথাযথ সমাদর করতে পারে না এবং তাকে সৎপথে চালিত করতে পারে না, সেখানে আমরা দেখ্‌তে পাই জাতির ধ্বংস। খোন্দকার সাহেব তাঁর বক্তৃতায় বলেছেন যে এই সমস্ত যুবক একদিন আপনাদেরই পশ্চাতে শ্রদ্ধা নিয়ে ঘুরে বেড়িয়েছিল (A VOICE : কমিউনিষ্টরা ?) এবং আপনারা যা নির্দেশ দিয়েছেন সেই কথা তারা বিনা দ্বিধায় সম্পূর্ণ বিশ্বাসের সঙ্গে জাতির মঙ্গলের কারণ মনে ক'রে শিরোধার্য্য ক'রেছে। আজকে সেই নেতৃত্ব সম্পূর্ণ অচল হয়ে পড়েছে এটা সবচেয়ে বড় আক্ষেপের কথা। এবিষয়ে আলোচনা হচ্ছে। আমি জানি বর্ত্তমান মন্ত্রিমণ্ডলীর এই সভায় তাঁদের বহু সমর্থক থাকার কারণ তাঁরা নিশ্চিন্ত হয়ে আছেন যে মুলতুবী প্রস্তাব বা অন্য কোন প্রস্তাবের মধ্য দিয়ে তাঁদের বিশেষ কোন ক্ষতি করার ক্ষমতা কারও নাই এবং সেজন্য বোধ হয় এবিষয়ে যখন আলোচনা হচ্ছে তখন এই সভার সমস্ত ভদ্রতা ও ভব্যতার নিয়ম বর্জ্জন কোরে সংবাদপত্র পাঠে রত আছেন। আজ পশ্চিম বাংলার কংগ্রেস সভাপতি সুরেশ ব্যানার্জী মহাশয় একথা বলেছেন যে কমিউনিষ্ট পার্টি তাদের কোন ক্ষতি করতে পারে না এবং ভবিষ্যতেও পারবে না এবং ছাত্রমণ্ডলীর মধ্যেও কংগ্রেসের যা আধিপত্য এবং প্রতিপত্তি ছিল তা আজও নাকি আছে। আমি কংগ্রেস নেতৃত্বকে স্পষ্ট কোরে একথা বল্‌তে চাই যে ভারতবর্ষ তথাকথিত স্বাধীনতা লাভ করার পর (A VOICE: Question) ১৮।২০ মাস গত হয়েছে, সেই কয়েক মাস খুব স্থিরভাবে দেশের সমস্ত ঘটনাবলী আমি পরীক্ষা ক'রে এসেছি। তিনি সেকথা জানেন না জানেন আমি কংগ্রেস সভাপতি মহাশয়কে বল্‌তে চাই--হয়ত একথা তার ভাল লাগবে না কিন্তু আমি দাবী করি যে কথাটা সত্য--যে কংগ্রেস খুব দ্রুত দেশের আস্থা হারাচ্ছে। (A VOICE : কি কোরে জান্‌লেন ?) জান্‌লাম এইভাবে যে আমি দেখ্‌লাম যে, আমার পাশের গ্রামে বর্ত্তমান মন্ত্রিমণ্ডলীর দু'জন একদিন নয় দু'দিন সেখানে সভা করতে গিয়েছিলেন, কিন্তু দুঃখের বিষয় সেখানে ২০০।২৫০ জনের বেশী লোক সমাগম সেখানে দেখি নাই। তার মানে কংগ্রেস নেতৃত্বের প্রতি তারা আস্থাহীন হয়েছে। সেদিন বর্দ্ধমান বংশগোপাল টাউনহলে, যেখানে মাত্র ৫০০ লোকের জায়গা হয় সেখানে গান্ধীজয়ন্তীর মত শুভদিনেও সেই হল পূর্ণ হয় না। কাজেই ইতিহাসের কথা উল্টিয়ে দিতে পারেন না, আপনাদের পায়ের নীচে থেকে যে মাটি সরে যাচ্ছে সেটা বুঝতে পারছেন না। আমার মনে আছে একদিন বর্ত্তমান পাকিস্থানের গভর্ণর জেনারেল নাজিমুদ্দীন সাহেব যখন এখানে প্রধানমন্ত্রী ছিলেন তখন তাঁকে বলা হয়েছিল যে বৃটিশ সাম্রাজ্যের পায়ের তলা থেকে মাটী সরে যাচ্ছে, এবং ভারতবর্ষ তাদের হাতছাড়া হবে। তিনি তখন সেটায় হেসেছিলেন এবং বক্তাকে পাগল আখ্যা দিয়েছিলেন। আজকে সেকথা যদি সত্য না হ'ত তাহ'লে তাঁর পক্ষে গভর্ণর জেনারেল হওয়া সম্ভবপর হ'ত না।

কাজেই আজ যদি আপনারা বিশ্বাস করেন যে আপনারা স্বাধীন হয়েছেন, দিল্লী আপনাদের রাজধানী হয়েছে, তা'হলে বোগল সাম্রাজ্যের ধ্বংসাবশেষের মধ্যে দাঁড়িয়ে মনে রাখা উচিৎ যে মানুষের শক্তি কিছুই নয়। এটা জানা দরকার যে মানুষের সমস্ত উচ্চ শক্তিরও একদিন পতন হতে পারে।

মাননীয় সুরেশ ব্যানার্জী মহাশয়ের বক্তৃতা থেকে একটা কথা মনে পড়ে গেল। বলতে গেলে মাননীয় নিহারেন্দু দত্তমজুমদার হয়ত বলবেন কথকতা করছি। তিনি ভারতের কমিউনিষ্ট পার্টির জন্মদাতা। সেই হিসেবে তিনি মার্কসবাদে বিশ্বাস করেন, নাস্তিকতাবাদে বিশ্বাস করেন। শাস্ত্র থেকে কোন কথা বলতে গেলে কথকতা হয়। যা'হোক মহাভারতে দেখেছি শ্রীকৃষ্ণকে ভজনা করতেন শ্রীরাধা ও কংস। একজন প্রেমের চক্ষে, আর একজন বৈরী হিসেবে। কিন্তু দুজনই এত একাগ্র চিত্তে শ্রীকৃষ্ণকে ভজনা করতেন যে মৃত্যুর পরে উভয়ে মোক্ষলাভ করেছিলেন। আজ ডাঃ সুরেশ ব্যানার্জীর বক্তৃতার মধ্যে দেখলাম তাঁর সমস্ত বক্তৃতাটাই মার্কসবাদের বন্দনাতে ভরা। কিন্তু এখানে কংসরূপে শ্রীকৃষ্ণকে ভজনা করা হয়েছে। ইংরেজীতে একটী কথা আছে যে "Strong antipathy betrays deep inner sympathy."

ছেলেবেলায় ১৯২১ সালে খবরের কাগজে পড়েছিলাম মহাত্মা গান্ধী সম্বন্ধে। একজন সাহেব একদিন ট্রেনে যেতে যেতে কোন এক ষ্টেশনে রাত্রে গান্ধী গান্ধী করে চীৎকার করে উঠেছিলেন, তখন বলা হয়েছিল যে ইংরেজদের "গান্ধী ফবিয়া" হয়েছে। আজকে ডাঃ ব্যানার্জীর বক্তৃতা শুনে মনে হচ্ছে, আপনারা মুখে যাই বলুন না কেন কংগ্রেস নেতাদের ভয়ানক কমিউনিষ্টভীতি হয়েছে। তিনি বলেছেন—কংগ্রেসের নীতি ও মার্কসবাদের মধ্যে কোন পার্থক্য নাই। একথা শুনে বড়ই দুঃখিত হ'লাম। মাননীয় পরিষদপাল, ব্যক্তিগতভাবে আমি নিজে মার্কসবাদ সম্বন্ধে কিছু জানবার চেষ্টা করেছি এবং করার পরে আমার নিজের ব্যক্তিগত মত এই যে মার্কসবাদ মানবতার পক্ষে মঙ্গলজনক নয়। ভবিষ্যতে যদি সমস্ত পৃথিবী মার্কসবাদ গ্রহণ করে তাহলে আমার মনে কোন সন্দেহ নাই যে মানবজাতিই বোধ হয় পৃথিবী থেকে লোপ পেয়ে যাবে। আমরা জানি মার্কসবাদ কতখানি আমরা গ্রহণ করতে পারি জনগণের কল্যাণের জন্য এবং কোথায় মার্কসবাদ আমাদের বর্জন করতে হবে। ভারতের যে আকাঙ্খা, তা যদি আমাদের পূর্ণ করতে হয়, এশিয়ার যদি নেতৃত্ব করতে হয়—এবং তার চেয়েও বড় কথা—সমগ্র পৃথিবীর যে চিন্তাধারা তা যদি আজ পাল্টে দিতে হয়, তাহ'লে ভারতের প্রাণস্পন্দন যেখানে নিহিত আছে, তাকে ধৈর্য্যসহকারে আমাদের জীবনের প্রত্যেকটী ক্ষেত্রে প্রয়োগ করতে হবে। সেখানে দেখা যাবে মার্কসবাদ থেকে আমাদের আধ্যাত্মবাদ অনেক তফাৎ। এটা খুব দুঃখের বিষয় যে কার কি নীতি, কি "ইডিওলজি" তা ভাল করেনা জেনে আমরা সে বিষয়ে কথা বলে থাকি। আমরা বিশ্বাস করি--যখন মার্কসবাদ আমাদের গ্রহণযোগ্য নয়—তখন তার সাফল্যও আমি কামনা করি না। কিন্তু তাকে ঠেকিয়ে রাখার জন্য বাধা দেওয়ার বিভিন্ন প্রণালীর সম্বন্ধেও মতভেদ আছে। একথা এত শীঘ্র ভুলে গেলেন আমাদের কংগ্রেস নেতৃবৃন্দ যে পুলিসের গুলির দ্বারা কোন আন্দোলনকে দমন করা যায় না; দমননীতির দ্বারা নিজেদের শক্তি বৃদ্ধি করা যায় না। এই সমস্ত দ্বারা মার্কসবাদের বিরুদ্ধে দোষারোপ ক'রে--যা দুনিয়ায় করে যাচ্ছে সমস্ত মার্কসবাদের ঘাড়ে চাপিয়ে দিচ্ছেন। তার ফলে মার্কসবাদকেই শক্তিশালী করছেন। আমরা জানি হাজার হাজার মার্কসবাদীরা মাটীর নীচে underground আছেন; তাদের গভর্ণমেণ্ট ধরতে পারছেন না। তবুও আজ দেশের লোক মার্কসবাদ গ্রহণ করতে রাজী নয়!

এখন প্রশ্ন হচ্ছে গণ-বিপ্লবের নেতৃত্ব করবে কে? কোন্ প্রতিষ্ঠান? আজ যদি আপনারা সেই নেতৃত্ব গ্রহণ করতে না পারেন, সেই নেতৃত্ব যদি মার্কসবাদের হাতে থাকে তাহলে সমস্ত ভারতবর্ষ লাল হয়ে যাবে। কিন্তু কে নেতৃত্ব করবে সেই গণবিপ্লবের, তার উপর নির্ভর করছে ভারতের ভবিষ্যৎ। এটা আপনারা বিশেষভাবে চিন্তা করবেন। আপনাদের আশেপাশে শত শত পুঁথিনী ঘুরে বেড়াচ্ছে বাংস ভক্ষণের লোভে। মাননীয় মন্ত্রি-মহাশয় যাঁরা আছেন, তাঁদের বিগত জীবনের ইতিহাস আমাদের জানা আছে। তাঁরা চরিত্রবান, বুদ্ধিমান, তাঁরা ভাল লোক। মানুষের হাতে যখন ক্ষমতা আসে, তখন তার সবচেয়ে বড় পরীক্ষা হয়। সেই কথা ভেবে দেখবেন। আমি আপনাদের নিন্দা করছি না। আপনাদের আমরা ভক্তিশ্রদ্ধা করি। আমাদের মুসলমানরা আপনাদের উপর নজেদের সব ভবিষ্যৎ ছেড়ে দিয়ে বসে আছেন। বর্ত্তমানে আপনাদের অবস্থা সম্বন্ধে বিবেচনা করুন। মনে সাহস করে ময়দানে নামুন এবং ছাত্র ও অন্যান্য সমস্ত পাব্লিককে বোঝাবার চেষ্টা করুন যে আপনাদের দ্বারা দেশের ও জনসাধারণের মঙ্গল হবে। যারা anti-social elements তাদের কাছ থেকে দেশকে উদ্ধার করুন! যে যা ভালমন্দ কাজ করবে তাকেই যদি মার্কসবাদ ব'লে খেতাব দেন, তাহলে সেই মার্কসবাদের মানই বাড়িয়ে তোলা হবে এবং দেশের কাছে তাকে প্রিয় করা হবে।

Janab S. M. ABDULLAH: Mr. Speaker, Sir, it is a matter of great regret and humiliation that under a National Government such a fatal clash should take place between the students and the police. The students had every right to express their resentment at and disapproval of the police action in firing tear gas shells at a procession of East Bengal refugees at Sealdah Station a few days ago. The students assembled at the College

Square to express their grievances. Whatever might be the grievances—I do not say whether the students were right or wrong—the students had every right to express their sentiments and to place their demand before the authority. I think in a free country, in a democratic country the students are entitled to express their sentiments, to put forward their grievances to their leaders and their Government. The students had every respect for the Congress leaders and the Congress ideals, but for the respect of Congress leaders they could not surrender their own ideals, they could not give up their legitimate right and claims. I think the Government should have shown its sense of responsibility by tackling the problem more tactfully. If they had done so, such a sad state of things would never have happened. It did not bring any credit to any Government, not to speak of a National Government. Everyone of us is blaming the Communists. Whatever happens we blame the Communists, but the plea of communism will not bring any credit to a National Government. Before the advent of independence whenever anything happened, our the then Ministers used to say that our hands are tied by the bureaucratic system of Government, the British Government, but today who has tied down the hands of our National Government? Who is responsible for this inhuman atrocities? The students have every right to know this from their elected representatives. We know that the students are as a community lovers of the country. Yet today we find that students of the age of 12 to 18 were shot by the police. The students were innocent whoever might have misled them—the Communists, socialists or any other party—no matter which party, and they were entitled and justified to protest against the arbitrary action of the Government. Government should ponder over the immediate cause of the trouble. Unless you try to remove their grievances you cannot check the feelings of the younger generation by simply invoking the name of communists. The younger generation has got every right to express their sentiments. You cannot bring peace at the point of bayonet. If it is the desire of the present Government to bring peace they should try to find out causes of the trouble, that led the students to protest against their dear Government, namely, the National Government and should try their best to remove those causes.

As far as I can see the trouble arose over the treatment meted out by Government to refugees. The unhappy refugees have got every right to shelter and protection, and the grievances of the voiceless refugees must be removed.

As regards the police firing, today our Prime Minister Hon'ble Dr. Bidhan Chandra Roy has given a wise and good statement. I congratulate him on this statement. Had the Prime Minister the courage to issue that statement on the very day the trouble arose, then things would not have taken such an ugly course. It was the duty of the Government to give the refugees shelter and employment. But instead of that bullet shots were given. Why was this? I cannot understand what was the police justification in firing upon innocent students. I do not think the police had any justification. It was the duty of the police to preserve discipline and to maintain peace in the country, and the police were not there to interfere with peaceful activities of the citizen. It was the duty of every citizen to help the police to do their duty in maintaining discipline. But the police were not justified in firing upon the innocent young students without sufficient reasons. The police have got their power, but there must be a limit to that power. The police ought to have been wise and the officials should have been tactful when dealing with such a mob, as young lads and girls are always carried away by emotions. But instead of dealing with the situation in that way the Government officials have taken to other course.

Sir, let the Government prove that they are justified in their actions for issuing the firing order. Only blaming the Communists for everything will not do. Therefore I suggest that an impartial enquiry be made. Now,

Sir, about the firing it is a sad occurrence which reminds us of the Rashid Ali Day. I demand on behalf of the younger generation, on behalf of the student community that an impartial enquiry committee should be appointed by the Government to enquire into the firing incidents and to show to the people of the province that the Government were right in their action so that the voice of the people who are criticising the Government can be choked. I hope Government will consider my suggestion. I find there is a mob spirit among the masses and this sort of anti-social activity is showing its head everywhere. May I ask the Government what they have done to stop that mob spirit? It is Government's responsibility to curb that spirit. On the other hand you are encouraging such a spirit by adopting forcible measures. I hope Government will ponder over the matter. The situation today may not be so grave as you think but if you allow things to go on like this, if the students are allowed to go on in this way, nobody knows what will happen in future.

With these words, Sir, I support the adjournment motion of Janab Khuda Bukhsh. .

Janab ABDUR RAHMAN SIDDIQI : جناب اسپیکر صاحب' ہم جو اس طرف بیٹھے ہیں ان پر بڑا ظلم ہورہا ہے- وہ تو حکومت کی پارٹی کے کسی ممبر صاحب کو تقریر کرنے کی اجازت دی گئی ہے اور وہ حکومت کی طرف سے کوئی منسٹر صاحب کسی قسم کا بیان جلسے میں دینے والے ہیں - ایسا معلوم ہوتا ہے کہ جناب بڑے وزیر صاحب بدور دچارہے ہیں جن میں سے ایک میں بھی ہوں - اس تماشے کے ختم ہونے پر وزیر صاحب کچھ فرمائینگے اور ان کے بیان پر ہمیں وہ تو کچھ کہنے کا اور وہ دکھ چیدی کرنے کا موقع دیا جائیگا *

The Hon'ble Dr. BIDHAN CHANDRA ROY : آپ تو بھاگ جاتے ہیں *

Janab ABDUR RAHMAN SIDDIQI : جناب بڑے وزیر صاحب نے کل بھی بھی فقرہ مجھ پر کسا تھا - آج بھی فرماتے ہیں کہ میں بھاگ جاتا ہوں - ان کا فرمانا درست ہے - لیکن انہوں نے اس پر شاید غور نہیں فرمایا کہ میں کیوں بھاگ جاتا ہوں - میں اس وجہ سے بھاگ جاتا ہوں کہ ان کی حکومت Opposition کو یعنی ان سے اختلاف کرنے والوں کو کتوں کی طرح treat کرتی ہے یعنی ان کے ساتھ کتوں کی طرح برتاؤ کرتی ہے - مخالفت (Opposition) کی بالکل پروا نہیں کرتی - وہ کسی Parliamentary Procedure یعنی دستور کاروائی جو قانون بنانے والی اجمنوں کا طریق کار ہونا چاہئے اس کا خیال کرتی یا اس پر عمل کرتی ہے - اس مجلس میں Vote یا رائے کا رہنا اپنی بے عزتی کرتی ہے - کیونکہ جناب بڑے وزیر صاحب کے پیچھے ایک بڑی پلٹن ہے - اگر یہ حضرات ہمارے مجھ پر ٹھوکیں تب بھی یہ اسے اپنی بے عزتی سمجھینگے - ایسی حالت میں بھاگ نہ جاؤں تو اور کیا کروں *

The Hon'ble Sri BIMAL CHANDRA SINHA: On a point of order, Sir. Is it not an insult to the House when the honourable member says হেরে যোকামে বহসা বেইজ্জতি হ্যায়।

Janab Md. KHUDA BUKHSH: The Chair understands Urdu better than the Hon'ble Minister and he will surely preserve the dignity of the House. The Chair can be trusted to preserve the dignity of the House. There has been no reflection on the Chair.

The Hon'ble Sri BIMAL CHANDRA SINHA: I leave it to you, Sir, to decide whether the words were not insulting to the House. I heard the honourable member clearly saying হেরে যোকামে বহসা বেইজ্জতি হ্যায়।

I put it to him whether he said this or not.

Mr. SPEAKER: Well, Mr. Siddiqi, I also felt at that time that it was like that. It should not have been used.

Janab ABDUR RAHMAN SIDDIQI: حضور والا' معلوم نہیں ایڈیبل منسٹر صاحب کیا سمجھے - یا کچھ سمجھے ہی نہیں - لیکن اگر جناب والا کا حکم ہے کہ میں نے جو عرض کیا اس کو میں واپس لے لوں تو میں نہ صرف اپنے الفاظ واپس لیتا ہوں بلکہ آپ سے' جناب بڑے وزیر صاحب سے' ان کے دیگر وزراء سے' ان کی پوری پلٹن سے اور پوری مجلس سے معافی مانگتا ہوں *

جناب والا' در اصل میں جو عرض کرنا چاہتا تھا وہ یہ تھا کہ انگریز تو ہمارے ملک سے چلا گیا لیکن انگریزی بھوت اب تک ہمارے سر پر سوار ہے - انگریز جو کرتے تھے اس سے دس قدم آگے بڑھکر اب ہم گولی چلاتے ہیں - پولیس کو بلاتے ہیں اور ملیٹری کی مدد بھی لیتے ہیں - اگر کوئی فرق ہے تو صرف اتنا کہ آج ان حرکتوں کا نام Nationalism یعنی قومیت ہے - ان کا نام ہندوستان کی خدمت ہے اور ہندوستان میں رہنے والوں کی مدد اور سیوا ہے - میری عمر' جناب والا' اب کافی بڑی ہوچکی ہے - مجھے یاد ہے اور میں نے اسی ہال میں دیکھا بھی ہے کہ یہی طالب علم تھے اور اسی قسم کی شورش کیا کرتے تھے - لیکن جب ان پر تشدد ہوتا تھا یا ان پر گولیاں چلتی تھیں تو وہی حضرات جو اب گولیاں چلا رہے ہیں اتنا بلکہ اس سے کہیں زیادہ چیخنے پکارتے اور شور مچاتے تھے جتنا کہ آج ہم لوگ چیخنے کی کوشش کر رہے ہیں - اگر ان کی درست اور صحیح طور پر رہبری نہ کی گئی تو طالب علموں کی جماعت یعنی Student Community پہلے جو کرتی تھی آج بھی وہی کر رہی ہے اور کل بھی وہی کریگی - میں طالب علموں کے ساتھ ہمدردی کرتا ہوں لیکن ان لوگوں سے نفرت کرتا ہوں جنہوں نے طالب علموں کے سینے اور سادہ اور نا تجربہ کار دماغوں میں پچھلے زمانے میں غلط خیالات بھر دئے تھے اور آج بھی بھر رہے ہیں *

حضور والا' آپ کو معلوم ہے کہ جوانی دیوانی کہلاتی ہے - اگر نوجوان طالب علم دیوانے نہ ہوئے تو پھر طالب علم ہی کیا ہوئے - جو لوگ کل تک جوانوں سے اچھل اچھل کر اور کود کود کر کام لیتے تھے اور اپنا سیاسی مطلب نکالتے تھے وہی آج انہیں ذبح کر رہے ہیں - قصور ان نوجوانوں کا نہیں ہے - قصور اوروں کا ہے - بن قسمتی سے بنگال کی کانگریس کے صدر صاحب نے بنگالی زبان میں تقریر کی - میں اسے سمجھ نہ سکا - میری بدقسمتی - اس عمر میں میں ایک نئی زبان نہیں سیکھ سکتا - میں اپنے پاس بیٹھے ہوئے حضرات سے البتہ مطلب پوچھتا رہا - میں نے تو انکی تقریر میں صرف ایک ہی لفظ سنا - انہوں نے اسے کئی بار دہرایا - وہ لفظ کومیونسٹ (Communist) تھا - فارسی میں انوری کا ایک شعر ہے —

ہر بلائے کز آسمان آید * خانہ انوری تلاش کند

ہر بلا' ہر مصیبت جو آسمان سے اترتی ہے وہ انوری ہی کا مکان تلاش کرتی ہے - اجکل سب سے آسان طریقہ یہ ہے کہ سب قصور بدمعاش کمیونسٹوں کے سر تھوپا جائے - اردو کا محاورہ حضور کو بھی معلوم ہوگا - بندر کی بلا طویلے کے سر - لوگ اپنا قصور اور اپنی غلطیوں کو بھول جاتے ہیں - اس ملک میں جہاں جتنا کمی بدیانتی جاتی دھرم پر قائم ہیں وہاں کمیونزم تو درکنار وہاں تو جمہوریت (Democracy) بھی نہیں ہو سکتی - کمیونزم اور ڈیماکریسی کے معنی برابری' مساوات' اخوت' بھائی چارے کے ہیں - جس

ملک میں چھ کروڑ اچھوت ہوں وہاں بھلا کومیونزم اور ڈیماکریسی کہاں سے اسکتے ہیں - ہر قصور کو کومیونزم کے سر تھوپ دینا چال بازی ہے - ایک سیاسی متھکھنڈا ہے اور اس کی آڑ میں اپنے آپ کو بچالینا ہے *

حضور والا' اگر اس مسئلے پر ٹھنڈے دل سے غور کیا جائے تو معاملے کی اصلیت ظاہر ہوجائیگی - مجھ جیسا پرانا سیاسی پاپی اس بات کو اچھی طرح سمجھ سکتا ہے کہ انتخابات (Elections) کا زمانہ قریب تر آرہا ہے - گو یہ بیماری تمام ہندوستان میں پھیل جاتی تھی بنگال اس معاملے میں خاص طور پر بدقسمت رہا ہے - طالب علموں کو ہر طرح کام میں لایا گیا - انکی وہی ٹولی جو ہمارے ساتھ تھی دوسرے دن ہمارے خلاف ہوجاتی تھی - اس کی وجوہ بہت سی ہوتی ہیں - طلباء کسی حد تک اپنے استادوں کے پولیٹیکل سیاسی رنگ میں رنگے جاتے ہیں - اور کچھ غیر ذمہدار اخبارات سے متاثر ہوکر طالب علمی کے دائرے سے آگے بڑھ جاتے ہیں - جب تک جناب بڑے وزیر صاحب اور ان کے شریک کار (Education Minister) وزیر تعلیمات صاحب اپنے دل کو سخت اور کڑا نہ کرینگے اور یہ فیصلہ نہ کرینگے کہ طلباء کو (Active Politics) روز مرہ کے سیاسی کاموں میں شریک نہ ہونے دینگے اور ان میں اتحاد حسہ لینے نہ دیا جائیگا اس وقت تک وہ طلباء کی صحیح رہبری نہ کر سکینگے - طلباء اپنی (Debating Societies) بحث مباحثوں کے جلسوں میں اور کالجوں کے ہال میں جناب بڑے وزیر صاحب اور ان کی حکومت کو جتنا چاہیں برا کہیں اور condemn کریں - ان کی ملامت کریں - جو جی چاہے سو کہیں اور کریں لیکن (Processions) جلوس نکالکر شہر کی سڑکوں پر شور مچاتے ہوئے Secretariat کے سرکاری دفتروں تک نہ جائیں - جناب والا ' آپ کو یاد ہو گا کہ ایک مرتبہ طلباء نے اس ہماری اسمبلی کو بھی گھیر لیا تھا - میں جو داخل ہونے لگا تو مجھ سے کہا گیا چلے جاؤ - اگر میں کچھ چوں چرا کرتا یا اظہار ناراضگی دکھلاتا تو شامت پٹ جاتا - میں چپ‌چاپ خاموشی سے چلا گیا - ان کو ورغلانے والے خواہ ان کے پروفسر اور استاد ہوں یا اخباروں کے ایڈیٹر سیاسی لیڈر یا اسمبلی کے ممبر ان سب حضرات کو مکرر اور مکرر سوچنا چاہئے کہ ان نوجوان لڑکے اور لڑکیوں بچے اور بچیوں کی زندگیاں خراب ہورہی ہیں - ان کی تعلیم ادھوری رہ جاتی ہے - مجھے اکثر گریجوئیٹ (Graduate) امیدواروں سے ملنے اور باتیں کرنے کا موقعہ ملتا ہے - میں آپ سے کیا عرض کروں اکثر مجھے ان سے صاف صاف کہنا پڑتا ہے کہ تم نوکری کے لئے درخواست دو تو چپراسی گیری کے قابل بھی نہ سمجھے جاؤگے - در اصل قصور ان لوگوں کا ہے جنھوں نے ان صاف دل' جوشیلے اور مخلص نوجوانوں کے دماغوں میں غلط اور زہریلے خیالات بھر رکھے ہیں - بھرنے والے کون ہیں آپ بھی انہیں جانتے ہیں اور میں بھی جانتا ہوں - یہ حیثیت ایک شہری کے میں یہ ادب جناب بڑے وزیر صاحب اور جناب داخلہ وزیر صاحب(Home Minister) سے عرض کرونگا کہ ہمارے مکان 'ہماری جائداد'یں اور ہماری جانوں کی حفاظت ان کے ہاتھ میں ہے - اگر یہ ملک ' یہ رنگا نصاں چلتے رہے تو نتیجہ یہ ہوگا کہ وہ ایک داشی مصیبت کی صورت اختیار کرلینگے - اس سے شہر اور شہریوں کو بچانا چاہئے - مجھے یہ بھی اندیشہ ہے کہ اگر ابھی سے سختی سے اس کی روک تھام نہ کی گئی تو یہ کہیں مذہبی مسلم جھگڑا نہ بنجائے - اگر یہ ہوا تو مصیبت دس گنی ہوجائیگی اور اس کا روکنا زیادہ مشکل ہوجائیگا - اسی اسمبلی میں ایک جملہ استعمال کیا گیاتھا کہ Govern or get out جسکا مطلب یہ تھا کہ یا تو صحیح

محنون میں ہمت کے ساتھہ حکومت کرو - اگر نہیں کرسکتے تو پھر نکل جاؤ - موجودہ حکومت نے جس طرح کاروائی کی ہے وہ کافی نہیں ہے - اب تک تو مذاق ہورہا ہے - قوم پرست حضرات بیانات میں جو تھپکیاں دے رہے ہیں ان سے تو یہ معلوم ہوتا ہے اور یہ نتیجہ لازم آتا ہےکہ یا تو غلط بیانی ہورہی ہے یا یہ لوگ حکومت کی پالیسی اور طریقہ عمل کو ٹھیک طور پر سمجھہ نہیں سکتے - وہ تو پولیس پر حکومت کا پورا اقتدار (Control) ہے اور وہ طالب علموں کو صحیح رستے پر لادیگی کوئی تدبیر ہے - اس کا اثر یہ ہوگا کہ آج اگر ایک بات بگڑی ہے تو کل دو اور پرسوں تین بگڑیگی - اس پریشانی کی بناء پر جناب بڑے وزیر صاحب سے میں عرض کرونگا کہ میرے دل کے ٹکڑے ہورہے ہیں - ہم لوگ جن اصول پر اب تک کام کرتے آئے ہیں وہ اب کار آمد نہیں رہے - ان سے کام نہ چلیگا - ہاتھہ جوڑ کر عرض کرونگا اور پاؤں پڑ کر عرض کرونگا کہ اگر اِنگریز چلا گیا ہے تو اس کے بھوت کے ساتھے میں کام مت کرو - آج بڑے وزیر صاحب جس کرسی پر براج رہے ہیں کل اسی کرسی پر کیا عجب ہے کوئی لڑکا جو گولی کی زد سے بچ گیا ہے آکر بیٹھیگا - چنانچہ اگر اس کی تعلیم کے زمانے میں وقت خراب ہوا یا اس نے اپنے قصور کی پاداش میں سزا بھگتی جس کا اشتعال دینے والے اور جس پر اسے ورغلانے والے اور لوگ تھے تو قصور اسکا نہیں بلکہ جناب بڑے وزیر صاحب کا اور انکے ساتھیوں کا ہے - جو جو حضرات مجھہ سے قبل بول چکے ہیں ان کے دلوں کے درد کا اندازہ میں کر سکتا ہوں - مجھے پورا یقین ہے کہ جو درد میرے دل میں ہے وہی درد جناب ڈاکٹر صاحب کے دل میں بھی ہے - ایک ممبر صاحب نے فرمایا کہ تشخیص (diagnosis) تو صحیح ہے لیکن دوا علاج (remedy) صحیح نہیں ہے - میں ابتدا اور عرض کرونگا کہ اگر حکومت کردی ہے تو بھائی کی بھی پروا مت کرو - اس کو بھی اگر ضرورت پیش آئے تو گولی سے اُڑا دو - شہر میں امن قائم کرو - لڑکوں کو اُستادوں کے ذریعے سے کہہ دو کہ جو کچھہ کہنا کرنا ہو اپنے کالج کے اندر کرو - رستوں پر جلوس (Procession) مت نکالو - قوم کا جو کچھہ کام ہوگا اور اس کی جو کچھہ خدمت کرنی ہوگی وہ ہم قوم کے نمائندے (Representatives) کرینگے اس میں طالب علموں اور Under-graduates کا کام نہیں - آج ہم میں کل تمہاری باری آئیگی - اگر ہم نے غلطیاں کی ہیں تو تم انہیں سدھار لینا - انہیں درست کرلینا *

میں جو کچھہ عرض کررہا ہوں وہ نہ تو بہ حیثیت مسلمان ہونے کے اور نہ بہ حیثیت سامنے بیٹھنے والے اختلاف کرنے والے (Oppositionist) کے - میں نے اپنے دل کا درد ظاہر کیا اور اپنی درد بھری داستان بہ حیثیت ایک انسان کے سنادی خدا کرے ڈاکٹر صاحب کے دل پر بھی چوٹ لگی ہو اور ان کا اور میرا درد ایک اور یکسان ہوجائے *

(The House was adjourned for fifteen minutes.)

(After adjournment.)

Mr. J. R. WALKER: Mr. Speaker, Sir, I listened with interest to what the mover of this motion had to say in support of his motion. He seemed to indicate that for the time being at least the students had lost their sense of responsibility and because of this they should have been allowed to defy law and order. According to him they should have been allowed to defy section 144 which other citizens are happy to obey: they should have been

allowed to burn trams and buses and further disorganise the over-burdened transport system to the inconvenience of law-abiding citizens..... (*Janab Md. KHUDA BUKHSH: I never said that.* .....Janab ABUL HASHEM: I think he could not understand his own language in which Mr. Khuda Bukhsh spoke)..... I am sure I have the support of this House and of the public outside in deploring the deaths that have taken place, but I am certain that right-thinking citizens are all behind the Government in their determination to have law and order maintained in this city.

Janab MUDASSIR HOSSAIN: After what has been said by the other speakers I do not think it was necessary for me to say anything. However I shall say.

We thoroughly appreciate that the primary and elementary duty and responsibility of an Imperialistic and Autocratic Government is to maintain law and order at any cost and at the sacrifice of everything which a democratic people hold dear and near. The Britishers were the Imperialists and they transferred their power to you and you have stepped into their shoes and have been carrying on in the same way as they used to do, with this difference that when agitation was raised on certain issues they always yielded. Moreover they were experienced administrators whereas you are a novice; though you have stepped into their shoes you have become misfit. We have enough experience of the battle cry in the shape of slogans and platitudes which make them speak like the parrot in the fable which always uttered the word "No doubt about it" to every question which was put to it without understanding the meaning and significance of the same. We have had enough experience of the police action in Indonesia and other parts of Asia which urges Imperialism, Colonialism and so-called Nationalism to ride roughshod over the rights of other people and make preparations for a faked constitution in the pretext that the same will bring in millennium and the kingdom of God on earth or Ram Raj but in my own opinion police action is nothing but the manifestation of beast in man. These gentlemen who are enjoying the delight and delicacies of freedom being the নির্বাচিত কংগ্রেস কর্মী revel in butchery, murder, arson, loot and abduction with which the scene and chapter of the so-called freedom opened. Their freedom synchronized with the murder of Mahatma Gandhi, the only hope and ray of sunshine in this benighted country of ours. They call him Father of the Nation and pretend to have absolute and undying faith in his message of non-violence, love, unity, fraternity, universal brotherhood, but I make bold to assert that this is altogether a lip service to his ideals and achievements. Within their breast they are cherishing and exulting in the Satanic and devilish idea of vengeance and retaliation. Their cry is vengeance, vengeance প্রতিশোধ, প্রতিশোধ within and love, love প্রেম, প্রেম without.

I pointed out more than once in course of several speeches which I delivered on Budget and Constitution that the exodus from Pakistan and incoming to India or Hindustan has complicated the entire situation and that is not within the range of practical politics to find a solution for the same and rehabilitate, settle and provide them within the boundaries of West Bengal wihout doing grievous and irreparable injury to and uprooting the original children of West Bengal. This insolable problem is at the root of all the troubles with which our masters over there are confronted and the intense agony and the deep anxiety which they have brought upon themselves by their insensate, foolish, thoughtless activities. Mr. Speaker, our masters over there have sown the wind and they must now reap the whirlwind. Being unable to find a permanent and reasonable solution our masters over there have become desperate and at the same time their inability to find a solution brought reciprocal desperation on the part of so-called refugees. It is notorious that hunger, poverty, distress sow

the seed of so-called Communism and this Communism thrives on unrest and finally develops into rioting, loot and arson and other devilish acts. Had our masters been real wise statesmen, mature politicians and administrators instead of having the sole qualification of being নির্বাচিত করেছেন কর্মী they would have foreseen what would happen if the exodus from East Bengal was not prevented. They certainly would have caught the time by the forelock, but instead our masters lured the prominent Hindu leaders from East Pakistan for no other reason than lording over West Bengal leaving the other smaller fries to their fate. The opting of East Bengal Hindu officers and the flight of prominent Hindu businessmen added fuel to the fire. The conduct of our masters over there gave a finishing touch to their already vacillating mood of the East Bengal Hindus and lured them by free promise of leadership, providing lucrative employment and business and distribution of free doles, gratuitous relief and free residences. All these persons left their hearth and home on flimsy pretexts and have created a situation unparallelled in the history of mankind. This incoming has generated ill-will, malice and unrest and has provided a genial ground for rioting, murder, loot and arson and consequent reprisal. This fury of the new-comers fell upon Muslims of West Bengal and Muslims of Murshidabad, Malda, Nadia, Santipur, Katwa and other places fell victim to their nefarious activities, and conspiracy and the Government were silent spectators of the oppression which was committed. Mohammed Mosa, a prominent leader and trader in Katwa in Burdwan, was murdered in cold blood in the presence of the East Bengal Subdivisional Officer, Police Inspector and Armed Forces and they did not raise their little finger to save him.

So long the activities of the new-comers were broadly speaking confined to oppressing the Muslims and the authorities generally sided with them to harass the Muslims. Now the Muslims have been thoroughly subjugated and have borne the oppression and ill-treatment with patience and calmness worthy of great personages and did not rise in revolt as they thought their cry will be a cry in the wilderness. Government have denied to them the facilities of employment, trade and share in the administration. They are now a subject people having resigned themselves to their lot and their prayer goes to God for good times.

It is notorious that a very large number of so-called refugees have been concentrated in and around Calcutta. Seeing that our Prime Minister, Pandit Nehru, had impressed the view that East Bengal refugees should return to their homes they became desperate and in their desperation they tried to embroil others.

It seems to me that they fanned the flames and induced the impressionable youths to join their rank and make demands. Government says they were Communists and were out to make capital out of this and create disaffection. Sir, the remedy lies in sending the East Bengal refugees to their homes, and for this purpose Inter-Dominion Conferences should be held and the matter should be expedited (A VOICE: They are being held.) Yes. If the Government really desires to save West Bengal let this invasion be prevented and stopped and those who have come should be sent back at once.

Mr. SPEAKER: Please come to the motion.

Janab MUDASSIR HOSSAIN: Yes, Sir. Whatever it may be, so far as I can judge, when these students demanded the dead body I cannot appreciate why this was not given to them. They could have been given this dead body and they could have been permitted to cremate that dead body under police and military escorts and there was no necessity of resorting to firing. There was no justification for firing.

Sir, with these words, I support the motion.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I thank the mover of this motion for giving me this opportunity of placing some facts before the House to come to some definite conclusions on the broader issues raised. His speech was full of fire and brimstone but hard words do not break any bones. They only consist of sound and fury signifying nothing. And yet he has referred to the previous processions and incidents besides talking about the incident of the 19th of January, 1949.

What happened on the 11th January was that some students came to me and asked for permission to take out a procession in favour of the Indonesia Day when I asked this question of them: what is it that has evoked this particular interest in the students so far as Indonesia is concerned, that matter being in the hands of the Central Government and of the Asiatic Countries' Conference that was going to meet soon on the 20th January, and what contribution could the students make by taking out a procession? Then they went out of the room and said "we shall break section 144".

Then came the next day, that is, 13th January. When Pandit Jawaharlal Nehru was coming from Dum Dum aerodrome several of these men instigated the refugees to lie down on Bhupen Bose Avenue so as to obstruct the passage of the Prime Minister. Fortunately the police knew about it in time to divert the traffic; otherwise there would have been some row.

Then came the incident of the 14th January. I hear a good deal of sympathy being expressed for the refugees and I make bold to say that those who have spoken so much about them here have got no more interest in either Indonesia or refugees than the man in the moon. The refugees came in large number, about 3,000. Who brought them there? Has anybody stopped to ask who brought them there, who distributed leaflets amongst them? Has anybody paused to ask these questions? Do the members know that the Deputy Commissioner of Police who was present there was instructed to ask the refugees to form a group of five to go to the Prime Minister at Government House to represent their grievances knowing full well as they did that the Prime Minister came here for other purposes? But that offer was refused because the students said plainly that they were out to break section 144—not to further the interests of the refugees.

Then came the incident of the 18th January. Nobody regrets more than I do and more than my friends do for the deaths that were caused. We are very sorry for the deaths that have taken place. But who is responsible for those deaths? I ask you to seriously ponder over the situation. The University authorities had issued a notice that no meeting should be held within the University compound without the permission of the Registrar. When the meeting was being held for the purpose of the Indonesian cause and they were going to start a procession, the Registrar remonstrated with them and the Registrar was pushed back. This was the report received from the Vice-Chancellor and the Registrar who asked us to send Police to give them the help that they needed. The procession went out of the compound. What happened then was that brickbats came in showers, not one or two. Did anybody care to go there? I did, although people think I did not. If anybody had cared to go he would have found that the place was strewn with brickbats. Where did the brickbats come from? How is it that some houses had a load of brickbats? The brickbats were thrown not only against the police but against the passersby as well. There were some who were injured by the brickbats. Then came the bombs. Where did the bombs come from? From the sky? Was there not any premeditation behind it? That is the question I ask. I do not for a moment say that in all the instances the police were justified in firing to the extent of causing death. That is a matter which I am going to enquire, and I will welcome any person who has personal knowledge of any particular incident to give me the incident, so that I may enquire about the matter, but that is not the

point. The point is who destroyed the tram cars, who gutted them, who destroyed the State buses which were put on the road in the interests of the people to use them. The Government of West Bengal have got a very poor finance, and yet we, in the interest of those who cannot afford to make their own transport arrangements, tried to give them the buses, and what is the result? In three days' time, five buses, new ones, have been destroyed. Whose money has been wasted? It is the people's money. It is not your money; it is not my money either. Who is it that instigated them to do so? Then again what happened next? The tramway wires were cut. Who cut them? There must be somebody there who knew or ought to have known that tramway conducting wires carry a very high voltage. There must be some experts behind it. When the Fire Brigade came they found that 5 or 6 hydrants between the Presidency College and the corner of College Street and Harrison Road were absolutely out of repair. They had been destroyed and the Fire Brigade could not use them. Who destroyed them and why? The fire was burning. The Fire Brigade wanted to give help and stop the fire from consuming the cars. Who threw brickbats and bombs at the Fire Brigade people? What was their fault? What was the fault of the bus conductors? What was the fault of the driver of the car which belonged to the Hindusthan Standard and which was carrying the papers to the Sealdah Station that he should be dragged down and heavily injured? What was the fault of Dr. Suresh Chandra Banerjee except that he had the boldness and courage to say in public what he thought was the correct position to take, for which he was almost throttled?

But for the timely intervention of some students and the Resident Surgeon of the Medical College he would have been throttled. Who was it that instigated young boys to take petrol and kerosene to set fire to the Hon'ble Mr. Kalipada Mookerjee's house? Is it not a fact that young students had been paid Rs. 5 each to throw a bomb at the motor-cars? A man has been caught and he has admitted that it is so. He was told that if he threw the bomb once he would get Rs. 5 and every time another Rs. 5. What does it lead to? Then again, Sir, if you look at the figures of the injured during the last three days the number of persons injured was about 67; 33 had received bullet wounds and 29 were injured by bombs. The police had no bombs. Who threw them? Where did they get them from? That is the question I have got to ask. It is perfectly true that the House could ask that the conduct of the police should be enquired into. Was there anybody here or outside who would take note of all this and try and find out who are the culprits who have done all this? It does not happen merely by the *bhooth* of the British as Mr. Siddiqi says. Where did the *bhooth* come from and where did it go?

Sir, ordinarily firing is resorted to under four conditions. One is that firing is done for the purpose of decimating the enemy. That does not happen in civil life. Secondly firing is done for the purpose of protecting property and life of individuals. Thirdly firing is done also when the police or the army finds that the forces against them are too many and too great. Fourthly firing is done, as is allowed in all civilized countries, in self-protection. When I heard of the firing I felt that the time had come when the police should be asked to use firearms only as a last resort and I have issued a statement to that effect. I have also issued a statement that as a sort of compensation for those who have died, their families should be given as much financial help as they require in view of their financial condition. But I ask you, I urge upon you to answer this question. What next? Quo Vadis. The world today is divided into two groups, those who want a settled and ordered state of affairs and want to lead a peaceful life and those who revel in anarchy, those who know how to destroy but fail to construct, those who only create a void but do not know how to fill that void. And to every member who is present here and to the public outside

let me appeal to ponder over the stiuation. We have come to the cross roads—I am not talking merely of this country but I am talking of the world at large and this country is part of the world—we have come to this stage when we have got to decide as to which way we shall go. In this matter I was very glad to find Mr Siddiqi raise the question as to whether students should take part in public affairs. That is a matter again which we shall consider. But I want you to ponder over the statement of the Prime Minister of India that today freedom and peace are indivisible, that if in taking upon myself the responsibility of putting forward any scheme of freedom which means destruction of peace, that freedom is a snare, is a delusion, is a mere chimera; it is no use calling that freedom. If I want freedom for myself or a group of people, freedom to act as they like they must understand the hazards also. I have a like claim to have freedom. That is why in the Legislature which controls the activities of human affairs in civilized society we lay lown different restrictions. That is why provision has been made of section 144 so that it might at times be used to quiet down a tense situation and bring about peace. Whether in this particular instance section 144 should be applied or not is not the question. The question is whether or not we are prepared to accept this position that freedom and peace are indivisible. Sir, I ask every member of the House to pause and consider this. Violence against violence is no remedy; it produces more violence, more delusion and it creates more destruction in the end. Therefore, Sir, I do ask the mover not to indulge in violent expressions and merely create more violence and more delusion in the minds of those whose minds are yet in a formative stage and are not yet settled.

With these words I move that the motion be rejected.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I move that the question be now put.

The motion of Janab Md. Khuda Bukhsh that the business of the Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely the police action resulting in the death of five persons and injuries to over 50 persons on 19th January 1949 in the College Square area, Calcutta, was then put and lost.

Adjournment.

The House was then adjourned at 6-5 p.m. till 4 p.m. on Monday, the 24th January, 1949, at the Assembly House, Calcutta.

Proceedings of the West Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935, as adapted.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 24th January, 1949, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Sri ISWAR DAS JALAN) in the Chair, 10 Hon'ble Ministers and 59 members.

STARRED QUESTIONS

(to which oral answers were given)

(Held-over question No. 12.)

Canteens for factory workers.

*12. **Sri SYAMA PROSAD BARMAN:** (*a*) Will the Hon'ble Minister in charge of the Labour Department be pleased to state—

(*i*) the number of factories in West Bengal where more than 250 workers are ordinarily employed; and

(*ii*) whether rules have been made under sub-section (1) of section 33A of the Factories (Amendment) Act, 1947, directing the owner or owners of every such factory to provide and maintain for the use of all persons employed in the factory adequate and suitable canteens?

(*b*) If the answer to (*a*)(*ii*) be in the negative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of making rules immediately and appointing inspectors to inspect these canteens?

MINISTER in charge of the LABOUR DEPARTMENT (the Hon'ble Sri Kalipada Mookerjee): (*a*)(*i*) There are 330 such factories in West Bengal.

(*ii*) Draft rules on the question of directive to specified factories to provide adequate and suitable canteens have been framed and published on pages 1143 and 1144 of Part I of the *Calcutta Gazette* of the 26th August, 1948, under notification No. 2919Lab., dated the 19th September, 1948, and will be taken into consideration on or after the 30th November, 1948.

(*b*) The question does not arise.

Sri SYAMA PROSAD BARMAN: Will the Hon'ble Minister be pleased to state whether the rules have been made finally?

The Hon'ble Sri KALIPADA MOOKERJEE: The rules have not yet been finalised but I think they will be finalised very soon. At the present moment there are about 222 canteens functioning in the different industrial centres.

Sri SYAMA PROSAD BARMAN: Will the Hon'ble Minister be pleased to state whether, as the rules have not yet been finalised, there is scope for giving suggestions by way of amendments?

The Hon'ble Sri KALIPADA MOOKERJEE: Some suggestions have already been received, but I think there is still scope for making further suggestions.

Proposed acquisition of land at Balurghat for erecting Police Barracks.

*21. **Sri SATISH CHANDRA CHAKRAVARTY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that the Government is acquiring land at Balurghat for erecting Police Barracks?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the area of land required for such purpose?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the area notified for acquisition includes homesteads, residential houses, hutments and household structures;

(*ii*) the area of the open land to the north of the existing Police Lines at Balurghat; and

(*iii*) whether the President or Secretary of the Balurghat Congress Committee suggested any alternative site for the erection of the proposed barracks?

(*d*) If the answer to (*c*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason why the suggestion was not accepted?

The Hon'ble Dr. BIDHAN CHANDRA ROY (on behalf of the Hon'ble Sri Kiran Sankar Roy, Minister in charge of the Home Department): (*a*) The question of the location of headquarters for the district of West Dinajpur has not yet been settled. Balurghat is one of the places under consideration. If the District Headquarters are located there, Government intend to acquire land there for erecting Police Barracks.

(*b*) 34·17 acres if Balurghat is selected.

(*c*) (*i*) No notification under section 4 of the Land Acquisition Act has yet been published and none can be published till the question of location of the headquarters is decided. The area previously considered includes homesteads, huts and other household structures.

(*ii*) There are no Police Lines at Balurghat at present. If by "Police Lines" the honourable member means the school hostel where the police force is now temporarily accommodated, 68·41 acres which is the area of the open land to the north of the said school hostel.

(*iii*) No.

(*d*) Does not arise.

Removal of the Premananda Dispensary for Leprosy, Calcutta.

*22. **Sri ANNADAPRASAD MANDAL:** Will the Hon'ble Minister in charge of the Health Department be pleased to state—

(*a*) কুষ্ঠরোগ (Leprosy) সংক্রামক ব্যাধি কি না;

(*b*) যদি তাহা হয় তাহা হইলে ঐ রোগের চিকিৎসালয় বসতিপূর্ণ লোকালয়ের সংলগ্ন থাকা জনস্বাস্থ্যের দিক দিয়া নিরাপদ কি না;

(*c*) এরূপ একটী চিকিৎসালয় (Premananda Dispensary for Leprosy) ২৫৯নং আপার সার্কুলার রোডে আছে কি না; এবং

(*d*) থাকিলে উহা তিনি অন্য কোন স্থানে অপসারিত করার কথা বিবেচনা করেন কি না?

MINISTER in charge of the HEALTH DEPARTMENT (the Hon'ble Dr. Bidhan Chandra Roy): (*a*) সকলপ্রকার কুষ্ঠরোগ সংক্রামক নহে।

(b) ঘনসন্নিবিষ্ট লোকালয়ের নিকট কুষ্ঠরোগের চিকিৎসালয় থাকাই জনস্বাস্থ্যের দিক হইতে অহিতকর নহে। বহুদিন ধরিয়া সংক্রামক কুষ্ঠরোগীর ঘনিষ্ঠ সংস্পর্শে থাকিলে এই রোগ অন্যের, বিশেষ করিয়া বালকবালিকাদিগের, হইতে পারে।

(c) হাঁ। সেখানে দুইটী outdoor চিকিৎসাকেন্দ্র আছে।

(d) আপাততঃ উহা অপসারিত করার কোন বিশেষ কারণ দেখি না।

UNSTARRED QUESTION

(answer to which was laid on the table)

Grant for improvement and development of Silk Industry.

11. Sri SHYAMAPADA BHATTACHARYYA: (*a*) Will the Hon'ble Minister in charge of the Industries Department be pleased to state whether any grant has been made for the improvement and development of Silk Industry?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state the amount spent in the Province, district by district, for the period from 15th August, 1947, up to date?

MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Sri Nalini Ranjan Sarker): (*a*) Yes.

(*b*) Amount spent from 15th August, 1947, to 31st December, 1948—

		Rs.	AS.	P.
(1) Murshidabad	...	3,99,323	5	9
(2) Malda	...	3,29,892	7	6
(3) Bankura	...	14,774	0	0
(4) Birbhum	...	15,504	0	0
(5) Darjeeling	...	14,820	0	0
		7,74,313	13	3

COVERNMENT BILLS.

The Mahajati Sadan Bill, 1949.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I beg to introduce the Mahajati Sadan Bill, 1949.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I beg to move that the Mahajati Sadan Bill, 1949, be taken into consideration.

Sir, it is known that there is a deep sentiment attached to the question of the Mahajati Sadan. Its foundation-stone was laid by the late Kabiguru Rabindranath Tagore and the whole venture was initiated by Netaji. We have witnessed only yesterday what spontaneous emotion of the people moved the entire nation from one end to the other, and it stands as a standing shame to us that the structure of the Mahajati Sadan has still remained unfinished. The Mahajati Sadan, we expect, will stand as a memorial and monument to some of the greatest achievements of our national movement for liberation. In this connection I should like to recite the fact regarding the Mahajati Sadan for the information of the members of this House which perhaps are more or less known to all. Shortly after the

release of Netaji Subhas Chandra Bose from detention in 1937 it was decided at a conference of representatives of the citizens, held on the 17th April, 1937, at 38/2, Elgin Road, the residence of Netaji, to start the Subhas Congress Fund and make collections for presentation to Netaji Subhas Chandra Bose who proposed to build a hall to be used for purposes of promoting the political, intellectual, moral and physical well-being of the people of this country. For this purpose the Subhas Congress Fund Committee was formed at a meeting with Sri Nripendra Chandra Mitra as Secretary, Kumar Debendra Lal Khan, since deceased, and Sri Basanta Lal Murarka as Treasurer. In furtherance of this object Netaji took lease of the plot of land at 166, Chittaranjan Avenue, measuring about two *bighas* from the Corporation of Calcutta. His application to the Corporation of Calcutta was made on the 19th April, 1938. On the 3rd of August, 1938, the Corporation passed a resolution to grant that lease and eventually the lease was granted to him on the 24th of August, 1938. The lease was granted by the Corporation of Calcutta for a period of 99 years and the conditions provided that rent was to be paid at the rate of Re. 1 per annum on the 24th of August each year. A building with a big hall should be constructed within three years from the date of taking over possession. A Board of Trustees consisting of not less than five and not more than seven members should be appointed from amongst the respectable citizens of Calcutta including the Mayor if he gives his consent, and on the termination of the lease or on the institution ceasing to exist at an earlier date the land should revert to the lessor Corporation.

Plans for the proposed building were drawn up by Netaji and sanctioned by the Corporation of Calcutta on the 14th November, 1938. The late Kaviguru Rabindranath Tagore was approached by Sri Subhas Chandra Bose for laying the foundation stone of the proposed construction, and he blessed the endeavour and gave the name of Mahajati Sadan to the proposed structure. On the 19th August, 1939, in a historic gathering of the citizens of Calcutta headed by Netaji Subhas Chandra Bose, the foundation stone of Mahajati Sadan was laid by Gurudev, and the construction of the building started thereafter with funds collected in the Subhas Congress Fund. Contributions in cash as well as in kind in the shape of building materials were received from time to time. The total amount of over Rs. 1 lakh was thus reported to have been collected in cash and kind and spent in the construction works. Before the construction of the building could be completed, however, in circumstances known to all, Sri Subhas Chandra Bose disappeared in January, 1941, while the construction of the building was continuing. It is common knowledge that at the time of his disappearance there was a prosecution pending against Sri Subhas Chandra Bose in the Court of the Presidency Magistrate, Calcutta, under the Defence of India Rules. In connection with this case instituted by the then British-*cum*-Muslim League regime it was directed by the Court to attach all the properties of Sri Subhas Chandra Bose. The Mahajati Sadan also was attached on the 12th March, 1941, under the order of the Additional Chief Presidency Magistrate, Calcutta, under rules 38(5) and 38(1) (*a*) and (*c*) of the so-called Defence of India Rules. The construction had to be discontinued and hence could not be completed. The unfinished structure at 166, Chittaranjan Avenue, has thus stood to the shame and sorrow of us all as a sad commentary to the inability of the citizens of Calcutta to do honour to a sanctified endeavour associated with two of the greatest sons of India who have lived in this city. Thereupon the elder brother of Netaji, Sri Sarat Chandra Bose and Sri Nripendra Chandra Mitra, the constituted attorney of Sri Subhas Chandra Bose, opposed the attachment of Mahajati Sadan on the ground that it was not the personal property of Sri Subhas Chandra Bose and that he was merely a trustee of Mahajati Sadan. This objection was overruled by the Criminal Court, and eventually there was a civil suit instituted in the High Court on the 25th August, 1941, on this

issue by Sri Sarat Chandra Bose and Sri Nripendra Chandra Mitra on behalf of themselves and the public against the then Government of Bengal and the Receiver for a declaration that Sri Subhas Chandra Bose had no such beneficial interest in the property as could have been attached in such proceedings and the lease obtained was on behalf of the general public. After the National Government led by the Congress came into power, the pending prosecution against Sri Subhas Chandra Bose was cancelled and withdrawn as early as 30th July, 1947. The civil suit in the High Court recently ended in a consent decree at the instance of the present Government of West Bengal. This decree was obtained on the 30th June, 1948, and it was declared by the High Court that the Mahajati Sadan was not the personal property of Sri Subhas Chandra Bose, and that he was merely a trustee on behalf of the general public, in whose benefit the lease of the property was really obtained.

In the circumstances I have already stated, the construction of the Mahajati Sadan remained unfinished and no Board of Trustees could be set up by Sri Subhas Chandra Bose who had proposed to set up such a Board on the completion of construction of the building. The Government of West Bengal have therefore decided to acquire the land and the unfinished structure thereon in order to complete the building and to set up a Board of Trustees for management and maintenance of the institution in consonance with the purpose of the original lease. The Mahajati Sadan Bill has accordingly been drafted and is now before the House and seeks to give necessary powers to the Provincial Government to take action in this behalf.

Sir, I think it may be rightly said that the Mahajati Sadan, when completed, will house a kind of a museum and mementos which will be a landmark befitting the city of Calcutta to illustrate phases in our struggle for national liberation. On an occasion like this one cannot but conjure in one's mind the great atmosphere and the aroma of the day when in an assemblage of the citizens of Calcutta and in the presence of Gurudev and Netaji the great venture was started.

Sir, I hope the House will bear with me if I take the liberty of reading in original the address, or a portion of the address of Netaji Subhas Chandra Bose when he called upon Gurudev to lay the foundation stone of this great venture. Netaji said as follows:—

বহুদিনকার এক স্বপ্ন বাস্তবে পরিণত করবার পুণ্য প্রচেষ্টা উপলক্ষে আজ আমরা সকলে একত্রিত হ'য়েছি। ভারতবর্ষের স্বাধীনতার জন্য যাঁরা আপ্রাণ চেষ্টা এবং সকল প্রকার ত্যাগ স্বীকার ও নির্যাতন ভোগ ক'রে আসছেন, তাঁরা অনেকদিন থেকে একটা অভাব বোধ ক'রে আসছেন; সে অভাব একটা গৃহের, যেখানে তাঁদের যাবতীয় সেবাকার্য্য আশ্রয় পেতে পারে এবং যেটা তাঁদের আশা, আকাঙ্খা, স্বপ্ন ও আদর্শের একটা বাহ্য প্রতীক স্বরূপ হ'তে পারে। ইতিপূর্ব্বে আমাদের জাতীয় নিকেতন নির্ম্মাণের চেষ্টা একাধিকবার করা হ'য়েছে, কিন্তু কৃতকার্য্য হয়নি। পরিশেষে, আপনার পবিত্র করকমলের দ্বারা "মহাজাতি সদনের" ভিত্তি স্থাপনা আজ করা হবে। আমাদের পরম সৌভাগ্য যে আমরা আজ আপনাকে আমাদের মাঝে পেয়েছি এবং আপনার দ্বারা সেই কাজ আজ সম্পন্ন করাতে পারছি যার ফলের দ্বারা আমরা একদিন ভবিষ্যতে ভারতের জাতীয় জীবনকে পরিপুষ্ট ও সমৃদ্ধ ক'রে তুলতে পারবো।

আজকার এই শুভ অনুষ্ঠানে আমাদের অতীত ও ভবিষ্যতের কথা আপনা আপনি মনে আসছে। এই ভূমিতেই সেই আন্দোলনের জন্ম হ'য়েছিল যার দ্বারা আমাদের দুর্গতি ও কষ্ট, সাধনার ভিতর দিয়ে পুনর্জীবন লাভ ক'রেছে। এই আন্দোলন পাশ্চাত্যিকতার প্রতীক মাত্রেই—এমন কি জাতীয়তার প্রতীকও অতিক্রম ক'রেছিল। রামমোহন ও রামকৃষ্ণ যে বাণী দিয়েছিলেন—তা কি বিশ্বমানবের জন্য নয়? তাঁদের ভিতর দিয়ে কি সুপ্রোথিত, নবজাগ্রত ভারত আত্মপ্রকাশ লাভ করেনি? আমরা জানি যে আমরা তাঁদেরই কৃষ্টি ও সংস্কৃতির উত্তরাধিকারী।

নব জাগরণের ফলে, প্রবুদ্ধ ভারতের মুক্ত আত্মা যখন "বহু"র মধ্যে নিজেকে বিলিয়ে দিতে চাইলেন, তখন দেখলেন যে এক দিকে রাষ্ট্র এবং অপর দিকে সমাজ তাঁকে শৃঙ্খলিত ক'রে রেখেছে। তারপর আরম্ভ হ'ল রাষ্ট্র-বিপ্লব এবং সমাজ-বিপ্লব। সেই বিপ্লবের সূচনাও এই ভূমিতে—যেখানে একদিন, ধর্ম্ম-বিপ্লবের ও কৃষ্টি-বিপ্লবের আবির্ভাব হ'য়েছিল।

যে স্বপ্ন দেখে আমরা বিভোর হ'য়েছি তা শুধু স্বাধীন ভারতের স্বপ্ন নয়। আমরা চাই ন্যায় ও সাম্যের ভিত্তির উপর প্রতিষ্ঠিত এক স্বাধীন রাষ্ট্র--আমরা চাই এক নূতন সমাজ ও এক নূতন রাষ্ট্র, যার মধ্যে মূর্ত্ত হ'য়ে উঠবে মানবজীবনের শ্রেষ্ঠ ও পবিত্রতম আদর্শ গুলি। গুরুদেব! আপনি বিশ্বমানবের পাশুত কণ্ঠে আমাদের সুপ্তোত্থিত জাতির আশা আকাঙ্খাকে রূপ দিয়েছেন। আপনি চিরকাল মৃত্যুঞ্জয়ী যৌবনশক্তির বাণী শুনিয়ে আসছেন। আপনি শুধু কাব্যের বা নিষ্পকলার রচয়িতা নন। আপনার জীবনে কাব্য এবং নিষ্পকলা রূপ পরিগ্রহ ক'রেছে। আপনি শুধু ভারতের কবি নন্--আপনি বিশ্বকবি। আমাদের স্বপ্ন মূর্ত্ত হ'তে চলেছে দেখে যে সমস্ত কথা, যে সমস্ত চিন্তা, যে সমস্ত ভাব আজ আমাদের অন্তরে তরঙ্গায়িত হ'য়ে উঠছে--তা আপনি যেমন উপলব্ধি করবেন, তেমন আর কে করবে? যে শুভ অনুষ্ঠানের জন্য আমরা এখানে সমবেত হ'য়েছি তার হোতা আপনি ব্যতীত আর কে হতে পারবে? গুরুদেব! আজকার এই জাতীয় যজ্ঞে আমরা আপনাকে পৌরহিত্যের পদে বরণ ক'রে ধন্য হচ্ছি। আপনার পবিত্র করকমলের দ্বারা "মহাজাতি সদনে"র ভিত্তি স্থাপনা করুন। যে সমস্ত কল্যাণ প্রচেষ্টার ফলে ব্যক্তি ও জাতি মুক্তজীবনের আস্বাদ পাবে এবং ব্যক্তির ও জাতির সর্ব্বাঙ্গীন উন্নতি সাধিত হবে--এই গৃহ তারই জীবনকেন্দ্র হ'য়ে "মহাজাতি সদন" নাম সার্থক ক'রে তুলুক—এই আশীর্ব্বাদ করুন। এবং আশীর্ব্বাদ করুন যেন আমরা অবিরাম গতিতে আমাদের সংগ্রামপথে অগ্রসর হ'য়ে ভারতের স্বাধীনতা অর্জ্জন করি এবং আমাদের মহাজাতির সাধনাকে সকল রকমে সাফল্যমণ্ডিত ও জয়যুক্ত ক'রে তুলি।

The following is the English rendering of the Bengali quotation:—

To-day we assemble here to witness the beginning of the fulfilment of a long-cherished dream. Those who for years have toiled and suffered—laboured and sacrificed—so that India may be free, have long wished for an abode to provide shelter and protection for their activities and to serve as a visible symbol of their hopes and ideals—dreams and aspirations. More than once has the attempt been made to give us the home that we have wanted, but it has failed and it has been left to you to lay the foundation-stone of the "House of the Nation". It is indeed a rare piece of fortune that we have you here in our midst this afternoon to sow with your hands the seed that will bear the fruit with which our nation will be nurtured in the days to come.

On this auspicious occasion we cannot help casting our eyes towards the past and the future of our people. From this soil sprang the movement that was at once the Reformation and the Renaissance of Modern India. It was a movement which knew no provincial boundaries and which transcended the national frontiers of India as well. Was not the message of Ram Mohon and Ram Krishna—a message for humanity? Was it not the voice of awakened India that spoke through them? We are the heirs of their spiritual and cultural heritage and we are conscious of it.

The liberated soul of Modern India wanted to manifest itself in action, but found itself enchained by the state on the one side and society on the other. Then emerged the movement for the political and social emancipation of the Indian People. For this movement, our soil was not less fertile than it was for the earlier movement—the Reformation and Renaissance of Modern India.

To-day our people dream not only of a free India, but also of an Indian State founded on the principles of justice and equality and of a new social and political order which will embody all that we hold noble and sacred. With the voice of eternity you, Sir, have all along given passionate expression to the hopes and aspirations of our regenerate nation. Yours has been the message of undying youth. You have not only written poetry and produced art—but you have also lived poetry and art. You are not only India's poet but you are also the poet of humanity. Who can understand better than yourself what surges within us to-day as we assemble to witness the beginning of the fulfilment of a dream? Who else can perform this sacred ceremony for which we have gathered in your presence? Gurudev, we welcome you as the high-priest in to-day's national festival; proceed to lay with your hands the foundation-stone of "Mahajati Sadan".

Give us your blessings so that we may be able to make this the "House of the Nation"—the living-centre of all those beneficent activities which will bring about the emancipation of the individual and of the nation, as well as the all-round development of India's manhood and nationhood. Bless us that we may hasten along the path that will lead to India's liberty and to our national self-fulfilment.

Sir, I think to-day it will also be not out of place for us to have on record the words and blessings of Kabiguru Rabindranath which he uttered in response to the call of Netaji to lay the foundation-stone of that great Hall. Gurudev amongst other things blessed the occasion and uttered the following words:—

প্রাণের স্পর্শশক্তি যেখানে প্রবল, সেখানে প্রাণের সাড়া পেতে দেরী হয় না, যতদূর থেকেই আহ্বান আসুক; নবযুগের সাড়া দিতে বাংলাদেশ প্রথম হ'তেই জড়তা দেখায়নি, বাংলাদেশের এই গৌরব এবং এই তার সত্য পরিচয়। একথা কারো অগোচর নেই যে একদা রাষ্ট্রমুক্তি সাধনার সর্বপ্রথম কেন্দ্রস্থল ছিল এই বাংলাদেশ, এবং যে দুর্যোগের দিনে এই প্রদেশের নেতারা কারাপ্রাচীরের নেপথ্যে ছিলেন, তখন তরুণের দল দেশের অপমান দূর করবার জন্যে বধ-বন্ধনের বুকে যেমন নির্বিচারে ঝাঁপ দিয়ে প'ড়েছিল, ভারতবর্ষের অন্য কোনো প্রদেশেই এরকম ঘটেনি। এ ঘটনাকেও ফলের দ্বারা বা শান্ত সুবুদ্ধির আদর্শে বিচার ক'রব না, বিচার করব যুক্তির জন্যে দুঃসহ বেদনার মূল্য অনুসারে। বাংলাদেশে সহস্রাধিক তরুণপ্রাণ সুদীর্ঘ কাল কারা-নির্বাসনে আপন জীবন নির্বাপিত ক'রেছে জানি, সেইজন্যে আজ বাংলাদেশের আকাশ অনুঘন, কিন্তু সেই সঙ্গে এও জানি, যে মাটিতে এদের জন্ম, সেই মাটিতে দুঃখজয়ী বীর সন্তান আবার জন্মাবে, তারা পূর্ব অভিজ্ঞতার শিক্ষায় সমাহিত হয়ে ভাজনের যার্থ কাজে আপন শ্রেষ্ঠ শক্তির অপব্যয় না ক'রে গড়নের কাজে প্রবৃত্ত হবে।

আজ এই মহাজাতি সদনে আমরা বাংলাজাতির যে শক্তির প্রতিষ্ঠা করবার সংকল্প করেছি, তা সেই রাষ্ট্রশক্তি নয়, যে শক্তি শত্রু মিত্র সকলের প্রতি সংশয় কণ্টকিত। বাংলার বহুশাখায়িত চিত্তকে আহ্বান করি, যার সংস্কার-মুক্ত উদার আতিথ্যে মনুষ্যত্বের সর্বাঙ্গীন মুক্তি অকৃত্রিম সভ্যতা লাভ করে। বীর্য এবং সৌন্দর্য, কল্পসিদ্ধিমতী সাধনা এবং সৃষ্টিশক্তিমতী কল্পনা, জ্ঞানের তপস্যা, এবং জনসেবায় আত্মনিবেদন, এখানে নিয়ে আসুক আপন আপন বিচিত্র দান। অতীতের মহৎ স্মৃতি এবং ভবিষ্যতের বিপুল প্রত্যাশা এখানে আমাদের প্রত্যক্ষ হোক, বাংলা-দেশের যে আত্মিক মহিমা নিয়ত পরিণতির পথে নবযুগের নবপ্রভাতের অভিমুখে চলেছে, অনুকূল ভাগ্য যাকে প্রশ্রয় দিচ্ছে এবং প্রতিকূলতা যার নির্ভীক স্পর্ধাকে দুর্গম পথে সম্মুখের দিকে অগ্রসর করছে, সেই তার অন্তর্নিহিত মনুষ্যত্ব এই মহাজাতি সদনের কক্ষে কক্ষে বিচিত্র মূর্তরূপ গ্রহণ ক'রে বাঙালিকে আত্মোপলব্ধির সহায়তা করুক। বাংলার যে জাগ্রত হৃদয়-মন আপন বুদ্ধির ও বিদ্যার সমস্ত সম্পদ ভারতবর্ষের মহাবেদীতলে উৎসর্গ করবে বলেই ইতিহাস বিধাতার কাছে দীক্ষিত হয়েছে, তার সেই মনীষিতাকে এখানে আমরা অভ্যর্থনা করি। আত্মগৌরবে সমস্ত ভারতের সঙ্গে বাংলার সম্বন্ধ অচ্ছেদ্য থাকুক, আত্মাভিমানের সর্বনাশা ভেদবুদ্ধি তাকে পৃথক না করুক, এই কল্যাণ ইচ্ছা এখানে সংকীর্ণ চিত্ততার উর্ধ্বে আপন জয়ধ্বজা যেন উড্ডীন রাখে। এখানে থেকে এই প্রার্থনা যুগে যুগে উচ্ছ্বাসিত হোতে থাক্:—

বাঙালির পণ বাঙালির আশা
বাঙালির কাজ বাঙালির ভাষা
সত্য হউক, সত্য হউক সত্য হউক হে ভগবান।
বাঙালির প্রাণ বাঙালির মন
বাঙালির ঘরে যত ভাইবোন
এক হউক, এক হউক এক হউক হে ভগবান॥

সেইসঙ্গে একথা যোগ করা হোক, বাঙালির বাহু ভারতের বাহুকে বল দিক্, বাঙালির বাণী ভারতের বাণীকে সত্য করুক, ভারতের মুক্তি সাধনায় বাঙালি স্বৈরবুদ্ধিতে বিচ্ছিন্ন হ'য়ে কোনো কারণেই নিজেকে অকৃতার্থ যেন না করে।

The following is the English rendering of the Bengali quotation:—

Where life's call is vital, living centres must respond: Bengal did so even though the call of the new Age came from distant shores. In that lies Bengal's pride, and her true identity. India's first home for cultivation of national freedom was in this province: in those critical days again, when our leaders were banished behind jail-bars it was our youth in Bengal who

led unhesitatingly in flinging themselves in the face of dire calamity—no other part of India can claim a parallel to this. Not that we are judging such events in the light of results, or by the standard of permanent beneficence—but we must give full value to intolerable suffering, to dauntless sacrifice for the sake of freedom. Hundreds of youthful lives in Bengal have burnt themselves out during long terms of imprisonment; Bengal's lights are dim, we know, for this reason; and yet we know that the soil in which they were born will give birth again to heroic sons who will not waste their manhood in destructive work but harness it to national reconstruction.

To-day in this great Hall of India we shall lay the foundation of Bengal's prowess, but our strength will not lie in arrogant nationalism, suspicious of friend and foe. We shall invoke Bengal's magnanimous heart of hospitality in which our humanity has found liberation, we shall seek freedom in manysided co-operation. Valour and beauty, resolute work and creative imagination, devotion to truth as well as self-dedication in public service—may these unite in benediction to our land. Noble memories of the past would mingle with great hopes for the future, heightening our power of action. Bengal's greatness, carrying her to a new sunrise will be augmented by propitious circumstance and stirred to triumphant ardour by adversity; she will spread the urge for diverse self-expression in our many-roomed Hall of Nation. We welcome here the renascent soul of Bengal which has taken solemn initiation from History to dedicate its wealth of intellect and learning at India's shrine. To that beneficent heart of our culture we offer homage; in our dignified self-respect we shall come nearer to our united nationalism, never yielding to the egoistic vanity of isolation which hurts our inherent humanity. High over all contentious politics let us keep the banner of truth flying, and pray:

Make them true, O Lord,
Bengal's vows, Bengal's hopes,
Bengal's work, Bengal's language,

Let them be true.

Bengal's heart, Bengal's mind,
Brothers and sisters in Bengal's home

Let them be one, O Lord, make them one.

And to this prayer let this be added: May Bengal's arm give strength to the arm of India, Bengal's voice give truth to India's message; may Bengal, in service of freedom for India, never make itself ineffective by betraying the cause of unity.

Sir, these were historic utterances which blessed the ceremony of the laying of the foundation-stone of the unfinished structure of the Mahajati Sadan. Sir, we have to-day achieved our political freedom; we have inherited also as a legacy the responsibility of giving shape to the dream of the Poet, giving shape to the great national memorial which the hero and the leader of the Nation tried to achieve. Sir, with that spirit I hope this House will undertake to enact the necessary measures to give powers to the Government as have been asked for in this Bill and, Sir, to-day who does not know, in a city like Calcutta, there is need for a hall like this. Apart from the intentions at the time and in the circumstances prevailing then it may be possible to devise, consistently with the objects laid down at that time, further measures and amenities whereby the Mahajati Sadan will be really a great asset and will be a centre for education. Sir, I must not forget to mention here, amongst various suggestions Government have received, a suggestion which informally came to me from His Excellency

the present Governor of West Bengal Dr. K. N. Katju has suggested that a hall in the Mahajati Sadan or portions of that building might be so constructed and equipped that it may serve as a planetarium for the education and edification of the citizens of this country. I think, Sir, that is a suggestion which is worth bearing in mind. Planetariums of that kind exist in advanced countries like America. Being wiser by the experience and lessons of those countries I think we may give Calcutta the amenity of a planetarium which we shall certainly keep in view. Sir, I hope suggestions to make this endeavour really useful and a centre for disseminating education and culture and for promoting the well-being of the people in every way that was conceived by the founder will be kept in view and we shall be able to give shape to them. With these words, Sir, I commend my Bill to the acceptance of the House.

Janab MD. KHUDA BUKHSH: Mr. Speaker, Sir, I rise to congratulate the Hon'ble Minister and also the Government that he represents in bringing this Bill. Sir, I must say that the Bill has been overdue and the Minister has tried to explain what were the conditions that have been responsible for the delay. Sir, he has given us with his wonderful eloquence the facts that led up to the laying of the foundation stone of the Mahajati Sadan. Sir, I shall certainly not utter and repeat what has been told us, but I will say this that the Mahajati Sadan should certainly be able to fulfil the desire of the founder as also the Kabiguru Rabindranath. Sir, it ought also to be a centre for the propagation of the ideals that Netaji stood for, the ideals that bound the Indian National Army together. Sir, I wish it were not necessary for me to point out to-day what appears to me a lacuna in the Bill. The Bill has been very well drafted and is laudable in all respects but to only one section I shall draw your attention and that is clause 11 which reads thus, "Notwithstanding anything contained in the Calcutta Municipal Act, 1923, the Corporation of Calcutta shall, for the purposes of the Mahajati Sadan, contribute annually to the Board a sum of five thousand rupees and may contribute such other sums as the Corporation may, from time to time, determine". This, I felt, Sir, was an encroachment on the functions of the Corporation. The Government would have done better if they had left it to the munificence and good sense of the Corporation to vote any sums that they chose to vote. With these words I welcome the Bill and extend my co-operation to the Hon'ble Minister in the passage of this Bill.

The motion of the Hon'ble Sri Niharendu Dutt-Mazumdar that the Mahajati Sadan Bill, 1949, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

Sri ANANDILALL PODDAR: Sir, I beg to move that in clause 4(*1*), line 4, for the word "four" the word "two" be substituted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I think this amendment is unnecessary because the clause provides for a maximum limit and the Bill also provides for the rule-making powers under which the

decision whether it is to be one or two or three might be laid down. Therefore this amendment is not strictly necessary. I hope the honourable mover will appreciate the point and agree not to press his amendment.

Sri ANANDILALL PODDAR: In view of the assurance given by the Hon'ble Minister I beg leave of the House to withdraw my amendment.

The motion of Sri Anandilall Poddar that in clause 4(*1*), line 4, for the word "four" the word "two" be substituted was then, by leave of the House, withdrawn.

Sri ANANDILALL PODDAR: Sir, I beg to move that in clause 4(*1*), in line 4, after the word "trustees", the words "of whom one shall be appointed by the Provincial Government and the other shall be elected or nominated, as the case may be, by the Corporation of Calcutta and the remaining trustees shall be non-officials" be inserted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I have examined this particular amendment also and found that it falls exactly within the scope of rule-making which will cover all those elaborate points, and therefore I suggest it is not necessary to embody this provision in the statute itself. I hope the honourable mover will not press his motion.

The motion of Sri Anandilall Poddar that in clause 4(*1*), in line 4, after the word "trustees" the words "of whom one shall be appointed by the Provincial Government and the other shall be elected or nominated as the case may be, by the Corporation of Calcutta, and the remaining trustees shall be non-officials" be inserted, was put and lost.

Sri ANANDILALL PODDAR: Sir, I beg to move that in clause 4(*1*), lines 4 and 5, the words "as may be prescribed by the rules made by the Provincial Government" be omitted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I do not agree to the amendment moved and I oppose it because after all it may be appreciated that the founder of the Mahajati Sadan did not have time to draw up a deed and define all the objects, although we have got a general purpose for which this construction was to have been made. Therefore, consistently with the original objects, the precise purposes for which it shall be used will have to be prescribed and that detailed work will have to be done within the rule-making powers of Government. Therefore I object to the acceptance of this amendment and I hope the mover will agree to withdraw it.

The motion of Sri Anandilall Poddar that in clause 4(*1*), lines 4 and 5, the words "as may be prescribed by the rules made by the Provincial Government" be omitted, was put and lost.

Sri ANANDILALL PODDAR: Sir, I beg to move that after clause 4(*1*), the following new sub-clause be inserted, namely:—

"(*1a*) The non-official members of the Board shall be elected within three months of the passing of this Act on a date to be fixed by the Provincial Government, by the donors to the Subhas Congress Fund and shall hold office for one year. The next election of the non-official trustees of the Board shall be held within twelve months of the first election and shall be by the donors to the Subhas Congress Fund and by persons who have contributed Rs. 12 per year to the Mahajati Sadan Fund and shall hold office for a period of three years from the date of their election. Subsequent elections of the non-official trustees of the Board will be held within three years of the preceding election by the donors to the Subhas Congress Fund and by persons who have contributed Rs. 12 per year to the Mahajati Sadan Fund".

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I oppose this amendment. I am afraid that this is again a matter which has to be prescribed under the rules and here there has been some solicitude displayed for the purpose of ensuring the representation of non-official donors and so on. I am afraid the donors and the intending donors have missed the bus. I wish they might have taken the opportunity of giving liberal contributions to enable Netaji to complete the construction. They might have gained recognition by their actual deeds rather than gain recognition now by a statute of this House. The donors should extend their liberal funds for the purpose of construction of the Mahajati Sadan. They may give it to the Government and Government will surely receive it and thankfully acknowledge their gifts. But I think it is quite unnecessary to go up to the electoral rules and other things at this stage. Therefore I hope this amendment will not be seriously pressed for.

The motion of Sri Anandilall Poddar that after clause 4(*1*), the following new sub-clause be inserted, namely:—

"(*1a*) The non-official members of the Board shall be elected within three months of the passing of this Act on a date to be fixed by the Provincial Government, by the donors to the Subhas Congress Fund and shall hold office for one year. The next election of the non-official trustees of the Board shall be held within twelve months of the first election and shall be by the donors to the Subhas Congress Fund and by persons who have contributed Rs. 12 per year to the Mahajati Sadan Fund and shall hold office for a period of three years from the date of their election. Subsequent elections of the non-official trustees of the Board will be held within three years of the preceding election by the donors to the Subhas Congress Fund and by persons who have contributed Rs. 12 per year to the Mahajati Sadan Fund."

was put and lost.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

Sri ANANDILALL PODDAR: Sir, I beg to move that in clause 9(*1*)(*b*), in line 1, after the word "money", the words "by donation, subscription or otherwise in cash or kind" be inserted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I oppose the amendment because that is all implied.

The motion was put and lost.

Sri ANANDILALL PODDAR: Sir, I beg to move that in clause 9(*1*)(*b*), in line 2, after the word "Sadan" the words "the name of such donors and subscribers being recorded in a book or books to be kept by the Board" be inserted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: I am sure the honourable member will agree with me that it is merely office work which will be done by the office when it is established——(Shaik Mohamad Rafiue: Accept it on the ground of sentiment.)——I therefore oppose this amendment. I can, however, assure the honourable member that the Board of Trustees and those who will manage the affair will agree to open a subscription book and to keep their names on record if people are found coming forward to make generous donations.

The motion of Sri Anandilall Poddar that in clause 9(*1*)(*b*), in line 2, after the word "Sadan", the words "the name of such donors and subscribers being recorded in a book or books to be kept by the Board" be inserted, was put and lost.

The question that clause 9 do stand part of the Bill was then put and agreed to.

Clause 10.

The question that clause 10 do stand part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 do stand part of the Bill was then put and agreed to.

Clause 12.

The question that clause 12 do stand part of the Bill was then put and agreed to.

Clause 13.

The question that clause 13 do stand part of the Bill was then put and agreed to.

Clause 14.

The question that clause 14 do stand part of the Bill was then put and agreed to.

Clause 15.

Sri ANANDILALL PODDAR: Mr. Speaker, Sir, I beg to move that in clause 15(*1*), lines 1 and 2, for the words "after such enquiry as it may deem fit", the words "after a judicial enquiry to be conducted by three persons not below the rank of High Court Judges to be nominated by the Provincial Government" be substituted.

Sir, here I would request that the Hon'ble Minister who is also a staunch follower of Netaji will at least accept this. If it is not accepted, the whole purpose of the Mahajati Sadan will be frustrated because it will just become a department of the Government and every trustee will have to dance attendance on the mercy of the Hon'ble Minister in charge and I would request only for this purpose he will kindly agree to a judicial enquiry. I have not mentioned any other enquiry but a judicial enquiry by three persons not below the rank of High Court Judges so that they can enquire and report. If they report that the Board is unfit, let him supersede or do anything but not without it. The experience of the Corporation is enough for us.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Mr. Speaker, I am afraid I cannot agree with the honourable mover of the amendment. I have every confidence that from now on the Government of this country cannot but be the Government of the people and I am, therefore, not impelled by a distrust of the Government. It cannot do any such heinous thing whereby some grievous wrong may be done, and as we have got to fall back upon the Government to complete this task, we must give the Government some freedom and discretion. After all, Government will be run by representatives of the people and I think I cannot in the least conceive of any such apprehension in my mind which impels my friend to move his amendment. I, therefore, oppose his amendment.

The motion of Sri Anandilall Poddar that in clause 15(*1*), lines 1 and 2, for the words "after such enquiry as it may deem fit", the words "after a judicial enquiry to be conducted by three persons not below the rank of High Court Judges to be nominated by the Provincial Government" be substituted, was put and lost.

The question that clause 15 do stand part of the Bill was then put and agreed to.

Clause 16.

The question that clause 16 do stand part of the Bill was then put and agreed to.

Clause 17.

Sri ANANDILALL PODDAR: Sir, I beg to move that in clause 17(*2*)(*a*), line 1, for the word "selection", the word "election" be substituted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I oppose this amendment. It is provided already in the Bill itself that rules will be prescribed laying down the manner in which the Board will be formed and that will cover everything. Therefore, this amendment is unnecessary here.

The motion of Sri Anandilall Poddar that in clause 17(*2*)(*a*), line 1, for the word "selection", the word "election" be substituted, was put and lost.

Sri ANANDILALL PODDAR: Sir, I beg to move that in clause 17(*3*), in line 1, after the words "shall be" the words "placed before the Provincial Legislature and on their being passed, be" be inserted.

Sir, we would definitely like to know as to what are the rules and that they should be passed by this House and they should not be simply framed. I think here the Hon'ble Minister will have at least no objection.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I am afraid the honourable mover is pressing the same point all over again. It will be open to the Provincial Legislature at any time to amend the Act itself and, therefore, I think we need not create a sort of cobweb of unnecessary suspicions and difficulties and then try to make provision for those in the Bill. This House which is now going to enact this measure is the ultimate authority and in view of that fact, the safeguard which the honourable member suggests is inherent in the measure itself and, therefore, I oppose his amendment and think it is completely unnecessary.

The motion of Sri Anandilall Poddar that in clause 17(*3*), in line 1, after the words "shall be" the words "placed before the Provincial Legislature and on their being passed, be" be inserted, was put and lost.

The question that clause 17 do stand part of the Bill was then put and agreed to.

Clause 18.

The question that clause 18 do stand part of the Bill was then put and agreed to.

The First Schedule.

The question that the First Schedule do stand part of the Bill was then put and agreed to.

The Second Schedule.

Sri NANDILALL PODDAR: Sir, I beg to move that in item (1) of the Second Schedule, in lines 1 and 2, after the words "Mahajati Sadan", the words "to be called Netaji Hall" be inserted.

Sir, I also beg to move that in item (2) of the Second Schedule, in line 2, after the word "library" the words "to be called Rabindra Pathagar" be inserted.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I think these would be suggestions to work out the detailed structure and distrbiution of the rooms and parts of the Hall and, I think, Sir, they are, therefore, quite out of place here in the present context. We will take note of the suggestions and we will forward these suggestions to the proper authorities in due course. With these observations, I think it is not necessary to move these amendments.

The motion of Sri Anandilall Poddar that in item (1) of the Second Schedule, in lines 1 and 2, after the words "Mahajati Sadan", the words "to be called Netaji Hall" be inserted, was put and lost.

The motion of Sri Anandilall Poddar that in item (2) of the Second Schedule, in line 2, after the word "library" the words "to be called Rabindra Pathagar" be inserted, was put and lost.

The question that the Second Schedule do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I beg to move that the Mahajati Sadan Bill, 1949, as settled in the Assembly, be passed.

Sir, I am thankful for the unstinted support that this Bill has received from the honourable members of the Opposition. This Bill, Sir, has been a non-party Bill. There has been no party whip in connection with this Bill, for it was expected that the House would be impelled by a sense of national sentiment in considering this Bill which breaks across the party barriers, and I am very grateful the Bill has received the support of all in abundant measure. I commend it to the acceptance of the House.

Sri ANANDILALL PODDAR: Parishad Pal Saheb, mujhey anand hai ke Mahajati Sadan ka Bill Government laie hai, parantu is bat ka dukh hai ke is Bill ke barrymen bohut see achhi achhi baten kahi gaien magar Government ne isko manzoor naheen kiya. Hum Mahajati Sadan ko banana chahtey hain parantu yeh naheen chahtey hain ke yeh Government ki cheeze hojai. Hum chahtey they kỉ jin logon ney is men chanda diya hai ya denge unka name ek register men rahe aur iskey karyakarta ziadatar public ho. Iska jawab Hon'ble Minister Saheb ne yah diya ke jin logon ney chanda diya aur jo log isko apna banana chahtey hain unlogon ney isko banaya keon naheen mujhey dukh hua ke unhonney aisa kaha ke isko public ney banaya keon naheen. Maloom naheen ke unhon neykab public sey isko

bananey ko kaha tha aur kab iske liey chanda manga giya tha. Jab Netaji Hall ke liey kaha giya to kahtey hain ke isko Trusteeon ke pas forward ker denge. Agar Netaji ke nam ka Hall aur Vish-guru ke nam ka Pathagar naheen rakhengey to isko kiya nam rakhengey. Hum to chahtey they ke isko politics sey alag rakha jai. Yah ek bari cheeze hai, aur hum chatey hain ke Netaji ki asha guri ho. Mera to yah bichar tha ke hamarey Mantriji yah koshish karengey ke yah Government ka doosra department na ban jai aur party shakti ke liey jo larie chalti hai iska ek kender na ban jai, bulke Netaji ka jo adurs tha isko is men upasthith karney ki cheshta karengey.

The Hon'ble Sri NIHARENDU DUTT-MAZUMDAR: Sir, I was not prepared for the observations my honourable friend has made. I can, nevertheless, assure him that his suggestion that for the purpose of representation on the Board a special constituency of donors ought to be created will be considered while framing the rules and will receive every consideration that it deserves. I am afraid, Sir, my honourable friend has been labouring under a misconception. Government acquiring the land and buildings for the purposes of construction does not mean that it becomes a Government department any more than the Victoria Memorial has become a Governmnet department. It is known that statutory trusts are created for the purpose of particular objects and in themselves they may be made completely autonomous, and there will be no interference with them so long as they are carrying on the purpose consistent with the original purpose for which they have been created. I think there is no reason for any apprehension, and I think Government has come forward before the House with this Bill only in order to enable the Government to complete the structure, to create a Board of Trustees under the powers given by this House, and thenceforward the Board of Trustees will function and manage the Mahajati Sadan.

As regards the planning out of the various parts of the Mahajati Sadan or giving various names to it, it would be open to those who would be managing as authority under the Bill to consider them. If the honourable member thinks that some hall in the building should be called "Netaji Hall", the Board of Trustees might decide that. I think "Netaji" is a much bigger name for any particular hall, and the conception of Mahajati Sadan itself is the greatest memorial or monument of Netaji's conception, ideals and achievement. If he thinks that in addition some particular hall should be named in some particular manner or some library should be named as "Rabindranath Pathagar," all these suggestions may receive every attention in due course. Here we are not working out the details. Here we are simply seeking necessary powers for the purpose of constructing the structure and thereafter entrusting its management to the Board of Trustees to be set up under this Act.

With these words, Sir, I again thank everybody on both sides of this House and hope that all will welcome this measure and all will co-operate in abundant measure and extend their support, so that Mahajati Sadan may be completed as early as possible. In fact, I am optimistic enough to think that my honourable friend Sri Anandilall Poddar will make it possible for Government not to spend a copper out of the public revenue by raising necessary funds with the help of his merchant friends and thereby make it unnecessary for Government to spend anything out of public revenues. He will enable Government thereby to complete the structure of Mahajati Sadan within one year so that we may celebrate the opening ceremony of the Mahajati Sadan on the 23rd January next year. Whoever is there to conduct the ceremony may have the pleasure of thanking him and acknowledging the services of my honourable friend Sri Anandilall Poddar for the co-operation and contribution he will make for the structure in connection with the opening ceremony.

With these words of optimism and hope expressed, I thank all for their support to this Bill.

The motion of the Hon'ble Sri Niharendu Dutt-Mazumdar that the Mahajati Sadan Bill, 1949, as settled in the Assembly, be passed, was then put and agreed to.

The West Bengal Agricultural Income-tax (Amendment) Bill, 1949.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, on behalf of my friend Mr. Sarker I beg to introduce the West Bengal Agricultural Income-Tax (Amendment) Bill, 1949.

(The Secretary then read the short title of the Bill.)

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to move that the West Bengal Agriculture Income-tax (Amendment) Bill, 1949, be taken into consideration.

Sir, in doing so, I beg to say that this Bill has been introduced with three objects, namely, (1) to remove certain defects noticed in the Bengal Agricultural Income-tax Bill, 1944, in the course of its administration, (2) to authorise the levy of a tax at a higher rate and (3) to reduce the exemption limits. As honourable members may have noticed from the Statement of Objects and Reasons appended to the Bill most of the provisions proposed in the first 8 clauses are intended to remove ambiguity and hardly require any explanation. Clauses 2, 3 and 4 and the proviso in clause 6 follow similar amendments made in the Indian Income-tax Act. Clause 6 extends the period of limitation in two classes of cases where such extension is very necessary. The first class refers to the mixed agricultural and non-agricultural income. Under section 8 of the Bengal Agricultural Income-tax Act, 1944, the orders of assessment passed by the Indian Income-tax authorities must first be available before assessment of the agricultural portion of the income under this Act can be proceeded with, as sometimes it has been found that the assessment under the Indian Income-tax Act is very much delayed. The need for a longer period of limitation in such case is obvious. The second class refers to cases of deliberate concealment or misrepresentation of income. It often takes a good deal of time to find out after searching enquiries sufficient data and information about such incomes. Clause 9 of the Bill provides for an increase in the rate of levy of the tax subject to a maximum of annas 4, the rates on the different slabs have been stepped up in such a way that there will be no increase in the rate of levy up to a total agricultural income of Rs. 5,000. It is also proposed to reduce the exemption limits from Rs. 3,500 of income and 100 standard *bighas* of land to Rs. 2,500 and 50 standard *bighas* of land respectively. These provisions are intended to augment the revenues of the province and also to act as an anti-inflationery measure. Sir, the honourable members are aware of the present difficult financial situation not only of this province but of the country as a whole, with the result that it had an adverse effect on our development programmes which were undertaken by this Government at the beginning of the last financial year, for which the Government of India had originally suggested a contribution of over Rs. 6 crores, but subsequently the Government of India had to reduce that contribution to Rs. 2 crores, and with the further result that this year, as we shall see when the Budget is put before you, we shall be ending with a large deficit unless we are able to raise some more money by various taxation proposals. The development projects mainly are projects intended to increase the Grow More Food campaign in its various aspects, to increase the land that is under cultivation, to increase the irrigation that is available and also to provide the agriculturists with the minimum necessity for earning their livelihood. In addition to that the large number of people that have come over form East Bengal and who have got to be rehabilitated

in this province require a great deal of expansion of our activities in the Departments of Agriculture, Irrigation and Civil Supplies or for food production and therefore it is essential that we should find out some other method of taxation. What we have proposed to do is practically what has been in existence in other provinces in this country. Therefore, Sir, I have put this Bill before the House for its acceptance.

Mr. C. E. CLARKE: Mr. Speaker, Sir, in connection with the introduction of this Bill there are one or two points that I would like to make. The first is that the ordinary zemindar does not maintain accurate accounts but the existing Act bases the assessment for tax on the gross income rates by a statutory allowance of 15 per cent. for administration and rent collection charges. In the case of an assessee who produces audited accounts a 20 per cent. reduction on the gross income will be allowed if claimed by him. This allowance is seriously inadequate to cover the cost of administration of a well-organised concern and for a corporation such as the Midnapore Zemindary Company incorporated under the Companies Act and publishing properly audited accounts, statements and balance-sheets, provision for assessment in a manner similar to that for income-tax on the basis of the real income derived from profits would present no practical difficulties. It is estimated that the Midnapore Zemindary Company will actually pay tax at least double the statutory rate on real income by reason of this inequitable assessment. A further point which needs elucidation is that the Bill contains no date on which the new amendment will become operative. The presumption is that the revised rate will take effect from the next assessment year but this requires to be definitely stated.

The motion of the Hon'ble Dr. Bidhan Chandra Roy that the West Bengal Agricultural Income-tax (Amendment) Bill, 1949, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

Sri D. N. MUKHERJI: Sir, I beg to move that for clause 3, the following clause be substituted, namely:—

"3. Amendment of section 3.—In section 3 of the said Act,—

(*a*) after the portion preceding the proviso, the following proviso shall be inserted, namely:—

'Provided that where any property from which agricultural income is derived is owned by two or more persons and their respective shares are definite and ascertainable, such persons shall not, in respect of such property, be assessed as an association of persons, but the share of each such person in the agricultural income from the property shall be included in his total agricultural income:'; and

(*b*) in the proviso, after the word 'provided' the word 'further' be inserted".

The motion was then put and agreed to.

The question that clause 3 as amended do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 9(*1*)(*b*), in line 3, for the figures "2,500" the figures "3,000" be substituted.

I further beg to move that in clause 9(*1*)(*c*)(*i*), in line 2, for the figures "2,500" the figures "3,000" be substituted.

Sir, I further beg to move that in clause 9(*1*)(*c*)(*ii*), line 1, for the figures "50" the figures "80" be substituted.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I accept the amendments.

The motions were put and agreed to.

The question that clause 9, as amended, do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to move that the West Bengal Agricultural Income-tax (Amendment) Bill, 1949, as settled in the Assembly, be passed.

The motion was put and agreed to.

(The House was then adjourned for fifteen minutes.)

(*After adjournment.*)

The West Bengal Finance (Sales Tax) Amendment Bill, 1949.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to introduce the West Bengal Finance (Sales Tax) Amendment Bill, 1949.

(The Secretary then read the short title of the Bill.)

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to move that the West Bengal Finance (Sales Tax) Amendment Bill, 1949, be taken into consideration.

Sir, the Statement of Objects and Reasons which has been appended to the Bill will show the main reasons why this amendment has been introduced. In the first place the word "dealer" has been altered so as to include the Government as one of the dealers because Indian High Courts have suggested that the word "person" should include the Government, and since Government is a big purchaser there is no reason why a dealer who sells goods to the Government should not also pay sales tax. In the same way there were certain other departments like the Indian Stores Department and the Supply Department of the Government of India which have ceased to exist. And, therefore, it appears unnecessary to exempt dealers from the tax in respect of their sales to the Railway and the Water Transport Administrations. In Bombay, the Bombay Act which has been passed provides for no such exemption.

Sir, clause 3 of the Bill is a very important one because it seeks to prevent unscrupulous dealers to change the names of their firms at an interval of every fifteen months and evade the sales tax thereby. The present law is that every dealer to whom sub-section (*1*) does not apply shall be liable to pay tax under this Act with effect from three months after the commencement of the year immediately following that during which his gross turnover first exceeds the taxable quantum. But many dealers tried to evade the tax. As soon as 12 or 13 months have gone over from the beginning of the year they change their names and evade the tax. The present proposal is that as soon as a particular firm has reached the taxable quantum in a particular year, within two months he can be assessed.

Then the word "wilfully" in the next clause has been omitted because it is very difficult to prove the intention of the dealer. Then there are certain verbal changes which have to be introduced in order to make the amendment of section 5(*a*) clearer.

Then there are three new clauses put in, namely, clauses 6, 7 and 8, in which there is a right of appeal given against the imposition of penalty under the amended provision of clause 5; secondly, there is also a provision that where penalty has been imposed for non-submission of returns no prosecution shall lie for the same offence; and thirdly, there is a very important provision that there should be exchange of opinion between the Income-tax Authorities and the Sales-tax Authorities. The Government of India have agreed to take steps to secure an amendment of section 54 of the Indian Income-tax Act of 1922 for the same purpose and have requested this Government to proceed with a necessary amendment of the sales tax law, so that it may be possible to exchange notes with regard to the income accruing to a particular dealer for which he may be assessable both under this Act as well as under the Income-tax Act.

Then in the Schedule of the said Act there has been a certain number of exemptions allowed. This Bill proposes to take away certain of those items from the exemption operation of the Act.

Sir, the first item that is proposed to be withdrawn from the exemption list is mustard oil about which I along with many other members of the House feel that it may be taxing a particular item which is of very great importance to an average Bengalee householder, but, Sir, the whole proposal to withdraw the exemption is due to the fact that we are in a very difficult financial condition. As I have said just now, when the budget is presented it would be found that we shall be ending with a very huge deficit, the reason being that a very large number of development projects had been taken up in hand in the beginning of last year when the Government of India promised us over 6 crores and a half of subvention or grant from the Government for development projects. I may remind the House of an incident which happened further back in 1946. It was suggested by the Government of India to the different Provincial Governments that they

should prepare schemes of development on the basis of which the Government of India will distribute five hundred crores of their accumulated surplus which we thought was surplus to the different Provincial Governments for purposes of development, but when the Bengal Province was divided the amount which was at first allotted to Bengal was 69 crores but it was reduced to 26 crores and 6 crores and a quarter was promised to be paid in 1948-49, but due to various causes into which I need not enter at the present moment and due to the fact that the surplus which the Government of India thought they would have did not mature, it was impossible for the Government of India to pay us more than 2 crores out of 6 crores 37 lakhs which they promised in the beginning. In the meantime we have undertaken very large projects of irrigation and agricultural improvement, one of which, as you know, is the Haringhata Scheme, and therefore, it was felt that it is necessary to continue those developments although the Government of India have told us that they would not be able to give us more than 2 crores 70 lakhs next year—they have given us 2 crores this year, as I have told you—and therefore we must find some measure by which we could augment our income and this particular tax will be utilised only for the Grow More Food campaign. One of the conditions of the grant of the Government of India to the Provincial Government is that every year out of the grant 30 lakhs must be spent by the Government for Grow More Food campagin and 77 lakhs out of the subsidy which they give to us for the purchase of food from outside. Therefore, we have got to find out this money, otherwise we cannot get the Government of India grant. Therefore although most of us felt that this was a particular item which should be avoided, if possible, it could not be avoided. The other items are before the House where we wanted to remove exemption in particular cases for the purpose of this Act.

Sir, this practically concludes what I have got to say at the present moment with regard to the Amendment Act.

Mr. C. E. CLARKE: Mr. Speaker, Sir, I would like to make one or two observations at this stage. In speaking on this particular Bill it is not necessary to do so at length. My observations can be confined almost wholly to that part of the Bill which embodies the items which it is sought to include within the scope of the original Act.

In view of what the Hon'ble Premier has told us it would be impossible to oppose the amendments but I feel it a duty to refer to what must be considered, in a sense, a complete reverse of the anti-inflation policy which has been stated to be that of the Government. Most items that are now included seriously affect the poorer classes of the public and although at the time of the introduction of the Bill in 1941 we were inclined to press for the inclusion of all commodities within its scope, to extend the list of taxable commodities now, is almost bound to have a harsh effect on many people whose living conditions are worse now than they were in 1941. Moreover, a number of items are so small in value that it is almost impossible to pass on the tax to the consumer (I understand that this measure was indeed framed to be borne by the consumer, not the dealer) without increasing the retail price which, if done, is likely to result in the increase in the normal retail price by an excess of the tax itself. This would be a gain to the vendor which is most undesirable.

I would, in particular, draw attention to the inclusion of coal, coke and coal gas. The increase in the cost of coal, coke and coal gas as a result of taxation of these commodities will increase the operational charges of industrial concerns using them for fuel, thereby raising their cost of production and again defeating the deflationary ideas we have in mind.

There is also a point of possibly little importance, that is, that no date for the introduction of the amending measure has been specified. We think that that should be done.

The motion of the Hon'ble Dr. Bidhan Chandra Roy that the West Bengal Finance (Sales Tax) Amendment Bill, 1949, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 5, in proposed sub-section (*1*) of section 11 of the Act, in line 1, for the word "submitted" the word "furnished" be substituted.

I also beg to move that in clause 5(*b*)(*iv*), in line 4, the word "and" be omitted.

Sri BIMAL COMAR GHOSE: Sir, I beg to move that in clause 5, in proposed sub-section (*1*) of section 11 of the Act, in line 11, after the word "and" the following be inserted, namely:—

"in the case of failure by a registered dealer to submit a return in respect of any period by the prescribed date."

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I accept all the amendments.

The motion of Sri D. N. Mukherji that in clause 5, in proposed sub-section (*1*) of section 11 of the Act, in line 1, for the word "submitted" the word "furnished" be substituted, was then put and agreed to.

The motion of Sri Bimal Comar Ghose that in clause 5, in proposed sub-section (*1*) of section 11 of the Act, in line 11, after the word "and" the following be inserted, namely:—

"in the case of failure by a registered dealer to submit a return in respect of any period by the prescribed date."

was then put and agreed to.

The motion of Sri D. N. Mukherji that in clause 5(*b*)(*iv*), in line 4, the word "and" be omitted, was then put and agreed to.

The question that clause 5, as amended, do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 9 in sub-clause (*a*), in lines 1 and 2, the figures "16", "18", "37" and "41" be omitted.

Mr. SPEAKER: There is one difficulty to which I wish to draw the attention of Government, namely, that the amendments are handed over to the Secretary at the last moment. Neither can we circulate these amendments to the members, nor can we apply our minds to them, and I wish specially to draw the attention of Government that they should give these amendments in time. As a matter of fact, we find short-notice amendments have been given in respect of practically all the Bills in this session.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 9, sub-clause (*c*), the following sub-cluase be substituted, namely:—

"(*c*) For item 41 the following item shall be substituted, namely:—

'41. Handloom woven (*a*) gamchas, and (*b*) khaddar sold by dealers approved by the Provincial Government'."

Janab MD. KHUDA BUKHSH: You ought to make a speech and explain why it is necessary.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to accept the amendments, and in doing so I beg to give the reason why at the last moment these amendments have been put before the House. It was felt, Sir, that khaddar as worn by the people and which is really an industry and in which the poor people are interested should be exempted from sales tax. (Janab Md. Khuda Bukhsh: Khaddar is expensive.) My honourable friend should not interrupt me, because it upsets my thought. Gamchas which are also used by the poorer classes should be removed from section 41 which will mean handloom woven cloth other than *dhotis, lungis, saris*. The reason why it is done is that barring Bihar all the other provinces have exempted these items from their taxation proposal.

With regard to the other items to which Mr. Mukherji has just referred, one item is *charkha* which is also exempted in many provinces, and it is felt that it should be kept as an exempted article.

With regard to cheap cloth which Government propose to exempt and from which Government expect to get a fair amount of return we have agreed to keep that as it is today, namely, that the Provincial Government will indicate the price of cheap cloth at which we will take the tax. If it is above a certain figure, only then we shall ask the dealer to pay sales tax.

With regard to the suggestion made by my honourable friend who has now withdrawn to exempt coal and coke, I just want to say that all provinces, except Assam which has practically no coal trade as such, are now levying sales tax, and at the last meeting of Finance Ministers at Delhi we found that the list of exemptions of the West Bengal Government was the largest compared with all other provinces, and we are probably the poorest so far as our financial condition is concerned. Therefore we felt that we should increase the tax on some of these commodities in order to be able, as I have said, to get the money for development projects.

The motion of Sri D. N. Mukherji that in clause 9 in sub-clause (*a*), in lines 1 and 2, the figures "16", "18", "37" and "41", be omitted, was then put and agreed to.

The motion of Sri D. N. Mukherji that in clause 9 for sub-clause (c) the following sub-clause be substituted, namely:—

"(c) For item 41 the following item shall be substituted, namely:—

'41. Handloom woven (a) *gamchas* and (b) *khaddar* sold by dealers approved by the Provincial Government'."

was then put and agreed to.

The question that clause 9, as amended, do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Dr. BIDHAN CHANDRA ROY: I beg to move that the West Bengal Finance (Sales Tax) Amendment Bill, 1949, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The West Bengal National Volunteer Force Bill, 1949.

The Hon'ble Sri BHUPATI MAJUMDAR: Sir, I beg leave to introduce the West Bengal National Volunteer Force Bill, 1949.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sri BHUPATI MAJUMDAR: Sir, I also beg to move that the West Bengal National Volunteer Force Bill, 1949, be taken into consideration.

Honourable members are aware, Sir, that since the transfer of power there has been a persistent public demand to be trained in arms and serve in the defence services of the country. The Provincial Government have on more than one occasion pressed this viewpoint of public to the Central Government. With regard to the arrangement for imparting basic military training to the youths of Bengal the Provincial Government have carefully gone into the question. They have discussed with the experts the question of giving it a shape within the limited resources at their disposal. The idea was given a trial on a small scale and as a result about 1,900 trained Rakshis (volunteers) have been produced from the Bangiya Rakshi Bahini Training Centre at Kanchrapara. We are now satisfied that given proper training Bengali youths pick up technique as quickly as anybody else. These trained youths who have already passed out from the Training Centre are doing excellent work in collaboration with the district authorities. It is now felt that time has come not only to organise these youths and to continue training of future recruits but also to absorb them in an organisation, i.e., the National Volunteer Force, under an Act. The Bill is self-explanatory. The National Volunteer Force will help the authorities in the maintenance of law and order and the services of the members may also be utilised in times of national emergency. Sir, I hope that the Bill would be taken into consideration.

Sri JYOTI BASU: Mr. Speaker, Sir, this Bill which is before us just now, I of course oppose it with all the emphasis that I command because as the Minister has just now tried to point out that such a voluntary force is necessary in Bengal in order, as he said, to collaborate with the police and to maintain law and order in this country and to be used in times of

emergency. Now we know, we have seen for the last 1½ years as to how this particular Government in West Bengal and for that matter the Governments throughout India have been functioning with regard to the maintenance of law and order and the good of the people. Now in any country a volunteer force, if it is to be organised, is definitely linked up with the policy that is going to be pursued by that particular Government. If the Government is a bad Government, if it is an evil Government, then it is the duty of the citizens to oppose giving any police powers to that Government, to oppose giving to this Government a volunteer force which will be used not to maintain law and order for the people, but to maintain the riches of the financiers and blackmarketers and to shoot down people, and such a Government, when it talks about emergency, it means that the power and the privilege of a few are at stake. That is why such a Government cannot be given such powers to recruit volunteers. Even in the meantime we have seen to what use the Jatiya Rakshi Bahini has been put to. We know that this is going to be, as it has been, the official *goonda bahini* of the Government; it is going to be used as it has been used to break up legal strikes. This force has been used as it is going to be used in the future to see that the *kisans* do not raise their heads in the villages against landlordism and against rack-rents, against poverty and so on. (The Hon'ble Dr. BIDHAN CHANDRA ROY: Black-marketing.) The Prime Minister or somebody else here said just now "black-marketing". Now I know as the Congress Ministers also know by now that they are the representatives of black-marketers and profiteers. If it was not so then this Government would not enact measures, as for instance, a measure has just now been enacted with regard to the sales tax and we know such measures are going to crop up in dozens during the Budget Session. That is why, when such is the nature of the Government, one fears giving it more powers, giving into its hands volunteers which will be used for such purposes. The Hon'ble Minister has been talking about training Bengali youths in the use of arms. A very noble idea no doubt because it is for that that the Congress has been doing propaganda for the last 30/40 years when the British Government emasculated us and took away the arms that we had and did not give us any training in arms but if universal training in arms is to be given to the workers, to the business people, and to the ordinary people, as one expected would be done after the so-called achievement of freedom, then it would be another matter but, as I said, this would be a selected volunteer force of the Government where selected people would be recruited for the purpose of shooting down our people when the need arose. Now we know that Gurkhas have to be brought from Nepal, from Darjeeling and other places. Why? Because the Government feels that, since it is fast losing popularity, with machine guns, with tommy guns and Bren guns their power has got to be maintained. Without wasting much more time I would ask the Ministers, if they have not yet seen it, to see the writing on the wall and to realise that time will come when their machine guns will not save them, when they will no more be able to rule the people from Writers' Building or from Delhi for that matter for a very long time. Therefore, I oppose this measure which is before the House and I know that the people in West Bengal would be with me in this opposition because this is a bad Government, a Government which has almost turned fascist and therefore whomsoever it recruits will be the *goondas* of this Government, to shoot down the people. Therefore this measure must be opposed by all means.

The motion of the Hon'ble Sri Bhupati Majumdar that the West Bengal National Volunteer Force Bill, 1949, be taken into consideration, was then put and a division taken with the following result:—

AYES—36.

Bandopadhaya, Sri Pramatha Nath.	Basu, Sri Hemanta Kumar.
Banerjee, Sri Sunil Kumar.	Bhandari, Sri Charu Chandra.

Bhattacharyya, Sri Shyamapada.
Chakravarty, Sri Satish Chandra.
Choudhury, Sri Annada Prosad.
Das, Sri Radha Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dolui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Ghose, Sri A. K.
Ghose ,Sri Bimal Comar.
Gomes, Mr. D.
Gupta, Sri J. C.
Haldar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur, of Burdwan.
Maiti, The Hon'ble Sri Nikunja Behari.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mallick, Sri Ashutosh.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mudassir Hossain, Janab.
Mukherji, Sri Dhirendra Narayan.
Murarka, Sri Basantlal.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Roy, The Hon'ble Dr. Bidhan Chandra.
Sen, The Hon'ble Sri Prafulla Chandra.
Sinha, The Hon'ble Sri Bimal Chandra.

Noes—1.

Jyoti Basu.

The Ayes being 38 and the Noes 1, the motion was carried.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 4, in line 1, for the words "member of the force" the word "volunteer" be substituted.

The Hon'ble Sri BHUPATI MAJUMDAR: Sir, I accept it.

The motion was then put and agreed to.

The question that clause 4, as amended, do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 7, in lines 3 and 4, for the words "provide for the constitution or formation of one or more corps or units of the force" the words "direct that one or more corps or units of the force be constituted or formed" be substituted.

The Hon'ble Sri BHUPATI MAJUMDAR: Sir, I accept the amendment.

The motion was then put and agreed to.

The question that clause 7, as amended, do stand part of the Bill, was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 do stand part of the Bill was then put and agreed to.

Clause 10.

Sri D. N. MUKHERJI: Sir, I beg to move that the proviso to sub-clause (2) of clause 10 be renumbered as sub-clause (3) of clause 10, and in that sub-clause as so renumbered, the words "Provided that" be omitted.

The Hon'ble Sri BHUPATI MAJUMDAR: Sir, I accept the amendment.

The motion was then put and agreed to.

The question that clause 10, as amended, do stand part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 do stand part of the Bill was then put and agreed to.

Clause 12.

The question that clause 12 do stand part of the Bill was then put and agreed to.

Clause 13.

The question that clause 13 do stand part of the Bill was then put and agreed to.

Clause 14.

The question that clause 14 do stand part of the Bill was then put and agreed to.

Clause 15.

The question that clause 15 do stand part of the Bill was then put and agreed to.

Clause 16.

The question that clause 16 do stand part of the Bill was then put and agreed to.

Clause 17.

The question that clause 17 do stand part of the Bill was then put and agreed to.

Clause 18.

The question that clause 18 do stand part of the Bill was then put and agreed to.

Preamble.

Sri D. N. MUKHERJI: Sir, I beg to move that in the Preamble after the words "citizens of the Dominion of India", in lines 3 and 4, the words "or subjects of an Acceding State or persons having permanent domicile in West Bengal" be inserted.

The Hon'ble Sri BHUPATI MAJUMDAR: Sir, I accept the amendment.

The motion was then put and agreed to.

The question that the Preamable, as amended, do stand part of the Bill was then put and agreed to.

The Hon'ble Sri BHUPATI MAJUMDAR: Sir, I beg to move that the West Bengal National Volunteer Force Bill, 1949, as settled in the Assembly, be passed.

Sir, I want to speak a few words in reply to my honourable friend Mr. Basu over there. Sir, it is the sacred and inherent duty of every honest, patriotic citizen to stand by the National Government and, as such, every citizen should be given, if he so wants, proper military training to uphold the prestige of his country in time of necessity. Sir, except the friends and supporters of the subversive activities now and then seen in this country, everybody would welcome such a Bill and I may say, Sir, it is only in the interest of the country the citizen will stand up against riot or loot or subversive activities and in time of national emergency they will stand up to fight for the country. It is the only thing open to any citizen, any patriot in any country. I cannot find, Sir, what made my honourable friend opposite to pass such remarks against a real and practical move of a National Government.

Sir, I think this Bill would be welcomed all over the country where in its present stage we expect that a conspiracy to bring about a state of disorder here and there is in the minds of the enemies of the State. So, we are taking the precaution before it is too late and this Government intend to train up every young man who has the love of his country in his heart to be a real soldier in the cause of the country.

Sri JYOTI BASU: Mr. Speaker, Sir, I am glad the Hon'ble Minister has made a speech. He was prevented from doing so by the Chief Minister at an earlier stage.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I do protest against such an insinuation. I never prevented him. Will he please withdraw it?

Sri JYOTI BASU: Mr. Speaker, Sir, will you please ask him to sit down?

The Hon'ble Dr. BIDHAN CHANDRA ROY: I will not sit down before I ask you to sit down.

Sri JYOTI BASU: As I say, this gives me an opportunity in my reply to make a few more remarks explaining what I said previously, because it seems that the Hon'ble Minister pretends that he has not understood what I meant. It is true and I agree with him that it is the duty of every patriotic citizen to support a National Government and in every country that is done. But the point was—the little point which the Hon'ble Minister forgot—that this Government was not a National Government in the sense that it represented the people as a whole. As I have been doing

my best to din into the ears of the Ministers but which they do not seem to realise yet, this is not a National Government—it does not represent all sections of the people,—it is a sectional Government, a Government representing, as I said and I repeat it again, profiteers and black-marketeers, landlords and so on and so forth, about 5 per cent. of the people in this country. That is why I tried to make out that a volunteer force under such a Government would mean shooting down of our people. In such a case it would mean that an emergency which they so often talk about and law and order which they have learnt from their British masters, would mean that whenever there is a threat by the hungry workers or hungry *kisans* whom they cannot feed, whenever there is a threat from them to the vested interests, then the forces of law and order would be used again to shoot down those people, as has been demonstrated time after time within the last one and half years throughout India and in West Bengal.

As was demonstrated in Calcutta nine people were shot down in the streets of Calcutta, in the heart of Calcutta. And in villages as we have seen in Bara-Kamalapur in Hooghly people were shot down. We have seen in the 24-Parganas that in one round of shooting nine people, nine *kisans* were shot down including three women and a girl of 10 years. That has been the record of this Government and that is why I have tried to be brief, because I thought that at least they would have the decency and the shame not to utter such words in this House when they knew what they were doing. If they are so powerful, if their influence is so great as they have been talking about, why did not these non-violent Ministers putting on *khaddar* go and face the people? Instead of sending Gurkha regiment in Calcutta and other places why did not they go and stand before them? They talk about Mahatma Gandhi. Mahatma Gandhi did not ask the soldiers to shoot down the people. These are the gentlemen who talk about non-violence, but we see when the people come out in streets in a demonstration, be it of students or of ordinary citizens or be it of the unfortunate people of East Bengal, the refugees, then they send their Police force, their Gurkha regiment and their military to shoot down these people. And non-violence they talk about! I am glad to-day to hear that they have tried to be realistic. If there is an emergency, they said, they would shoot. We like plain speaking and that is why we like some people like Sardar Patel. There are others who talk about non-violence and we saw a huge show here when Pandit Jawaharlal Nehru was here in which Congress Ministers and Congressmen vied with each other in talking about non-violence, vied with each other in saying "we are preaching Buddhism to the world and India is going to give a lead to the world in non-violence, spiritualism, and what not". It is good to speak plainly and to be frank as the Hon'ble Minister has tried to do in moving this motion, namely, that if there is an emergency, if the *kisans* demonstrate against hunger, they shall be shot down, if the workers in factories demonstrate against hunger and rising prices, then they shall be shot down. There shall be no mercy. If it cannot be done by the ordinary Police force, then it has got to be expanded under another name and that name is National Volunteer Corps or some such thing like Jatiya Rakshi Bahini. Sir, I do not wish to waste any further time of the House, because the Congressmen have begun to understand all over India that their time is not very long, their time is short and the Congress bourgeois regime is shortening up, it is no longer expanding. As you see the fate of your friend the Grand Fascist of the East, Chiang Kai Shek, time is not far distant when the same fate is awaiting those gentlemen who dare to shoot people instead of going and meeting them face to face.

Sir, I again oppose this motion.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I do not want my Minister to say anything in reply to a gramophone record. We hear the

same record moving on every time, the same words, the same "common man", the same "shooting", the same "black-marketers". Why waste word on a gramophone record?

Sri JYOTI BASU: It excites you because it is true.

The motion of the Hon'ble Sri Bhupati Majumdar that the West Bengal National Volunteer Force Bill, 1949, as settled in the Assembly, be passed, was then put and a division taken with the following result:—

AYES—36.

Bandopadhaya, Sri Pramatha Nath.
Banerjee, Sri Sasil Kumar.
Basu, Sri Hemanta Kumar.
Bhandari, Sri Charu Chandra.
Bhattacharyya, Sri Shyamapada.
Chakravarty, Sri Satish Chandra.
Choudhury, Sri Annada Prosad.
Das, Sri Radha Nath.
Das Gupta, Sri Khagendra Nath.
Dass, Sri Kanailal.
De, Sri Kanai Lal.
Dhlui, Sri Harendra Nath.
Dutt-Mazumdar, The Hon'ble Sri Niharendu.
Ganguli, Sri Bepin Behari.
Gayen, Sri Arabinda.
Ghose, Sri A. K.
Ghose, Sri Bimal Comar.
Gomes, Mr. D.
Gupta, Sri J. C.
Haldar, Sri Kuber Chand.
Mahanty, Sri Charu Chandra.
Mahtab, Sri Uday Chand, Maharajadhiraj Bahadur, of Burdwan.
Malti, The Hon'ble Sri Nikunja Behari.
Majhi, Sri Nishapati.
Majumdar, The Hon'ble Sri Bhupati.
Mallick, Sri Ashutosh.
Mandal, Sri Annadaprasad.
Mandal, Sri Bankubehari.
Mandal, Sri Krishna Prasad.
Mukherji, Sri Dhirendra Narayan.
Naskar, Sri Ardhendu Sekhar.
Naskar, The Hon'ble Sri Hem Chandra.
Panja, The Hon'ble Sri Jadabendra Nath.
Roy, The Hon'ble Dr. Bidhan Chandra.
Sen, The Hon'ble Sri Prafulla Chandra.
Sinha, The Hon'ble Sri Bimal Chandra.

Noes—1.

Jyoti Basu.

The Ayes being 36 and the Noes 1, the motion was carried.

The West Bengal Evacuees (Administration of Property) Bill, 1949.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I introduce the West Bengal Evacuees (Administration of Property) Bill, 1949.

(The Secretary then read the short-title of the Bill.)

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to move that the West Bengal Evacuees (Administration of Property) Bill, 1949, be taken into consideration.

Sir, I need not make a long speech over this measure. The idea of setting up an Evacuee Property Board was first discussed and agreed to in the Inter-Dominion Conference held at Calcutta early in 1948. Since then another Inter-Dominion Conference had been held at New Delhi in December last which decided that the Governments of East and West Bengal should legislate by the 31st January for the setting up of Evacuee Property Management Boards in districts or areas from where a substantial exodus has taken place and set up these Boards as soon thereafter as possible. It was further agreed that the Boards which will be composed of members of the minority community would assume management of properties only on the definite request of their owners. Their functions would be of a managerial character and they would not have the power to alienate the property entrusted to them for management. The word "evacuee" should be so defined as to include a

person who has left the province in question on or after the 1st June, 1947, and who declares his intention to return as soon as conditions become normal. The proposal was further discussed at the Chief Secretaries' Conference held a few weeks back at Dacca and now these decisions have been incorporated in this Bill. This Bill has the approval of both the Governments and the East Bengal Government is also going to have such a Bill passed within the 31st of January. I hope, Sir, that this agreed measure will be passed by this House without any amendment except those agreed to and given notice of by the Chief Whip.

The motion of the Hon'ble Sri Bimal Chandra Sinha that the West Bengal Evacuees (Administration of Property) Bill, 1949, be taken into consideration, was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Clause 3.

The question that clause 3 do stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 do stand part of the Bill was then put and agreed to.

Clause 5.

The question that clause 5 do stand part of the Bill was then put and agreed to.

Clause 6.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clause 7.

The question that clause 7 do stand part of the Bill was then put and agreed to.

Clause 8.

The question that clause 8 do stand part of the Bill was then put and agreed to.

Clause 9.

The question that clause 9 do stand part of the Bill was then put and agreed to.

Clause 10.

Sri D. N. MUKHERJI: Sir, I beg to move that in clause 10, in line for the brackets and figure "(6)", the brackets and figure "(7)" be substituted.

The Hon'ble Sri BIMAL CHANDRA SINHA: I accept it.

The motion was then put and agreed to.

The question that clause 10, as amended, do stand part of the Bill was then put and agreed to.

Clause 11.

The question that clause 11 do stand part of the Bill was then put and agreed to.

Clause 12.

The question that clause 12 do stand part of the Bill was then put and agreed to.

Clause 13.

The question that clause 13 do stand part of the Bill was then put and agreed to.

Clause 14.

Sri D. N. MUKHERJI: Sir, I move that in sub-clause (*1*) of clause 14, in line 3, for the brackets and figure "(5)", the brackets and figure "(6)" be substituted.

I also move that in sub-clause (*4*) of clause 14, in lines 2-7, the words or to the person in whose favour an order for delivery of possession of the property has been made by a competent civil or revenue court as against the lessee if the Board is satisfied that such order of such court has been made in favour of such person" be deleted.

I also move that in clause 14(*5*), in line 2, for the words, brackets and figure "sub-section (*4*)" the words, brackets and figures "sub-section (*3*) or sub-section (*4*)" be substituted.

The motions were then put and agreed to.

The question that clause 14, as amended, do stand part of the Bill was then put and agreed to.

Clause 15.

The question that clause 15 do stand part of the Bill was then put and agreed to.

Clause 16.

The question that clause 16 do stand part of the Bill was then put and agreed to.

Clause 17.

The question that clause 17 do stand part of the Bill was then put and agreed to.

Clause 18.

The question that clause 18 do stand part of the Bill was then put and agreed to.

Clause 19.

The question that clause 19 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Sri BIMAL CHANDRA SINHA: Sir, I beg to move that the West Bengal Evacuees (Administration of Property) Bill, 1949, as settled in the Assembly, be passed.

The motion was then put and agreed to.

The Bengal Nurses (West Bengal Amendment) Bill, 1949.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to introduce the Bengal Nurses (West Bengal Amendment) Bill, 1948.

Mr. SPEAKER: I take it, it is a Bill of 1949.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Yes, Sir.

(The Secretary then read the short-title of the Bill.)

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg also to move that the Bengal Nurses (West Bengal Amendment) Bill, 1949, be taken into consideration.

It is a very small Bill, Sir; in this Bill there is a provision for the purpose of adding the word "West" to the words "Bengal Nurses Act" and therefore the first amendment is to change the name of the Act to West Bengal Nurses Act, 1949. Then there is section 4 regarding the constitution of the Council where it is mentioned that two persons are to be appointed by the Local Government of whom one shall be appointed to represent institutions. Here also the advice given is that the words "West Bengal" should be added. Under the Adaptation of Existing Indian Laws Act of 1947, the provisions of the existing Bengal Nurses Act were extended and the members who were then serving in the Council—their term was also extended up to August, 1949. But it is expected or it is desired that there should be an election in 1949 because we have no more power to extend the period under the Adaptation of Existing Indian Laws Act. Therefore, I have brought this amendment for the purpose of making these two small alterations as well as for the purpose of changing section 4 (*a*) and (*c*). The Director of Public Health Services in Bengal now is also the Surgeon General to the Government of West Bengal and therefore these two offices (*a*) and (*c*) are united and it has to be put in the amending Act that the Director of Public Health Services will be the President of the Bengal Nurses Council. These are the two small amendments which I ask the House to accept.

The motion was then put and agreed to.

Clause 1.

The question that clause 1 do stand part of the Bill was then put and agreed to.

Clause 2.

The question that clause 2 do stand part of the Bill was then put and agreed to.

Preamble.

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Dr. BIDHAN CHANDRA ROY: Sir, I beg to move that the Bengal Nurses (West Bengal Amendment) Bill, 1949, as settled in the Assembly, be passed.

The motion was then put and agreed to.

Prorogation.

Mr. SPEAKER: I have it in command from His Excellency the Governor that the West Bengal Legislative Assembly do now prorogued.

WBGP-49/50-24A-350